

EXHIBIT A

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Bailey, Glenda 30(b)(6) - CMS	CMS, Office of Strategic Operations and Regulatory Affairs – Correspondence Management. Handler of document subpoena and production requests.	<i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.</i> , MDL 1456 (“MDL Abbott Case”). <i>See Exhibit E.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	3/20/2007	Abbott, Schering-Plough, Schering, Warrick, Dey, Roxane, Boehringer Ingelheim, AstraZeneca, Baxter. <i>See Exhibit E-1.</i>
Bassano, Amy	CMS – Director of Practitioner Services (2006 -), Director of Ambulatory Services (2005-2006); HCFA, Office of Legislation (1999-2000).	MDL Abbott Case. <i>See Exhibit F.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	11/7/2007	Abbott, Dey, Roxane, Boehringer Ingelheim, Baxter. <i>See Exhibit F-1.</i>
Berenson, Robert	HCFA – Deputy Administrator (2000-2001); HCFA Center for Health plans and Providers – Director (1998-2001)	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See Exhibit G.</i>	12/18/2007	Schering, Schering-Plough, Warrick, Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim. <i>See Exhibit G-1.</i>
Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	4/23/07, 10/29/07	<i>Day 1 (4/23/07):</i> Schering, Schering-Plough, Warrick, Baxter, Abbott, Sandoz, AstraZeneca, Johnson & Johnson, Bristol-Myers Squibb, Dey Inc, Dey LP, Par, Aventis, Roxane Laboratories, Boehringer Ingelheim, GlaxoSmithKline, Amgen. <i>See Exhibit H-1.</i>
Bowen, Maryann	Office of Information Services, CMS, management-type functions-personnel training, administrative functions of running the facility	MDL Abbott Case. <i>See Exhibit I.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	6/5/2007	Abbott, Dey, Mylan, Baxter. <i>See Exhibit I-1.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Buto, Kathleen	Director - HCFA, Office of Executive Operations	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit J.</i>	9/12/07, 9/13/07	<i>Day 1 (9/12/07): Abbott, Sandoz, Johnson & Johnson, BMS, Dey, Mylan, Roxane, Boehringer-Ingelheim, Aventis, Sanofi Synthelabo, Schering, Schering-Plough, Warrick, Baxter. See Exhibit J-1.</i> <i>Day 2 (9/12/07): same as previous day. See Exhibit J-1.</i>
Bruce, Tamara 30(b)(6)	Technical Director, CMS, Drug Rebates Operations Division of State Systems	<i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Dey, Inc. et al. , MDL 1456</i> ("MDL Dey Case"). <i>See Exhibit K.</i>	Not found on Lexis/Nexis. Appearances by at least one generic manufacturer defendant.	11/6/2008	Dey. <i>See Exhibit K.</i>
Bryant, Joseph 30(b)(6)	Vital Records Liaison, CMS – Custodian of Records	MDL Abbott Case. <i>See Exhibit L.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	11/15/2007	Abbott, Dey Inc, Dey LP, Roxane, Boehringer Ingelheim. <i>See Exhibit L-1.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
DeParle, Nancy Ann	Administrator of HCFA 1997-2000	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	5/18/07, 12/5/07	<p><i>Day 1 (5/18/07): Abbott, Schering-Plough, Schering, Warrick, Sandoz, Johnson & Johnson, Dey, Mylan, Roxane, Boehringer Ingelheim, Aventis, AztraZeneca, Amgen, Baxter. See Exhibit H-2.</i></p> <p><i>Day 2 (12/5/07): Abbott, Schering-Plough, Schering, Warrick, Sandoz, Johnson & Johnson, Dey, Mylan, Roxane, Boehringer Ingelheim, Aventis, AztraZeneca, Amgen, Baxter, GlaxoSmithKline. See Exhibit H-2.</i></p>
Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See Exhibit M.</i>	10/30/07, 3/26/08	<p><i>Day 1 (10/30/07): Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick, Baxter. See Exhibit M-1.</i></p>
Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See Exhibit N.</i>	1/24/08, 3/19/08	<p><i>Day 1 (1/24/08): Abbott, Aventis, Sanofi Sythelabo, BMS, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Endo, Ethex, Schering, Schering-Plough, Warrick. See Exhibit N-1.</i></p> <p><i>Day 2 (3/19/08): Abbott, Aventis, Sanofi Sythelabo, BMS, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Ethex, Schering, Schering-Plough, Warrick. See Exhibit N-1.</i></p>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Gustafson, Tom	CMS, Deputy Director (2003-2007); HFCA, Hospital and Ambulatory Policy Group (1998-2003); HFCA, Office of Research and Demonstrations (1996-1998); HFCA, Office of Legislation and Policy (1985-1996)	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit O.</i>	9/28/07, 12/17/07	<i>Day 1 (9/28/07): Abbott, Sandoz, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Aventis and Sanofi Synthelabo, Schering-Plough, Schering, Warrick, Baxter. See Exhibit O-1.</i> <i>Day 2 (12/17/07): Abbott, Bristol-Myers Squibb, Dey Inc, Dey LP, Mylan, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. See Exhibit O-1.</i>
Hansford, Cynthia	Office of Evaluations and Inspections, OIG, Department of Health and Human Services – Program Assistant (1994-), Secretary (1991-1993), Clerk Typist (1987-1991)	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See Exhibit P.</i>	3/14/2007	Dey, Pfizer, Johnson & Johnson, Scheirng, Warrick, Roxane, Boehringer Ingelheim, BMS, Amgen, Baxter, Abbott. <i>See Exhibit P-1.</i>
Hardwick, Claire	Centers for Medicaid and State Operations, Office of Clinical Standards and Quality	MDL Abbott Case	Cross-Notice relates to "ALL CASES". <i>See Exhibit Q.</i>	6/6/2007	Abbott, Dey, Mylan, Roxane, Boehringer-Ingelheim, Baxter. <i>See Exhibit Q-1.</i>
Hoover, John W.	CMS, Divisiol of Financial Operation - Technical Director (2004-2007); Grants Specialist (1977-2003)	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See Exhibit R.</i>	12/18/2007	Abbott, Dey Inc., Dey L.P., Bristol-Myers Squibb, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. <i>See Exhibit R-1.</i>
Morris, Richard	HCFA Associate Regional Administrator '81-Retirement, Responsible for pgm operations-policy interpretation, state Medicaid plan approvals	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit S.</i>	8/29/2007	8/29/2007: Abbott, GalxoSmithKline, Roxane, Boehringer Ingelheim, Bristol-Myers Squibb, Myland, Dey, Sandoz, Barr, Schering, Schering-Plough, Warrick, AstraZeneca, Aventis. <i>See Exhibit S-1.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Niemann, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit T.</i>	9/14/07, 10/11/07	<i>Day 1 (9/14/2007): Schering, Schering-Plough, Warrick, Abbott, Sandoz, BMS, Dey LP, Dey Inc, Mylan, Aventis, Roxane, Boehringer-Ingelheim, Baxter. See Exhibit T-1</i> <i>Day 2 (10/11/2007): Roxane, Boehringer Ingelheim, Schering, Schering-Plough, Warrick, Abbott, Baxter, Sandoz, BMS, Aventis, Dey, Mylan. See Exhibit T-1</i>
Parker, Lisa	Office of Strategic Operations of Regulatory Affairs, CMS	MDL Abbott Case <i>See Exhibit U.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	6/6/2007	<i>6/6/2007 : Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Baxter. See Exhibit U-1.</i>
Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	4/17/07, 4/18/07	<i>Day 1 (4/17/07): Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Warrick, Schering, Schering-Plough, Amgen, Bristol-Myers Squibb, AstaZeneca, Barr, Baxter. See Exhibit H-3.</i> <i>Day 2 (4/18/07): same as previous day. See Exhibit H-3.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	MDL Abbott Case	Cross-Notice relates to "ALL CASES IN MDL 1456" in which Abbott is named or appeared. <i>See Exhibit V.</i>	9/26/07, 9/27/07, 3/18/08, 3/20/08, 10/2/08, 10/22/08	<p><i>Day 1 (9/26/07): Abbott, Dey Inc, Roxane, Boehringer Ingelheim, GalxoSmithKline, Bristol-Myers Squibb, Baxter, Sandoz. See Exhibit V-1.</i></p> <p><i>Day 2 (9/27/07): Abbott, Dey Inc, Roxane, Boehringer Ingelheim, GalxoSmithKline, Bristol-Myers Squibb, Baxter, Sandoz, Schering-Plough, Schering, Warrick. See Exhibit V-1.</i></p> <p><i>Day 3 (3/18/2008): Abbott, BMS, Dey, Mylan, Roxane, Boehringer Ingelheim, Sandoz, Schering, Schering-Plough, Warrick. See Exhibit V-1.</i></p> <p><i>30(b)(6) 3/20/2008: Abbott, BMS, Dey, Mylan, Roxane, Boehringer Ingelheim, Sandoz, Schering, Schering-Plough, Warrick. See Exhibit V-1.</i></p>
Richter, Elizabeth	Acting Director, Center for Medicare Management , CMD; Hospital and Ambulatory Policy Group, CMS; Health Plans and Providers, CMS	MDL Abbott Case	Cross-Notice relates to " <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Boehringer Ingelheim Corporation et al. , MDL 1456 ("MDL Roxane Case")</i> . <i>See Exhibit W.</i>	12/7/2007	Abbott, Dey Inc., Dey L.P., Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick. <i>See Exhibit W-1.</i>
Robey, Vickie 30(b)(6)	Records Management, Center of Medicare and Medicaid Services	MDL Abbott Case. <i>See Exhibit X.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties' case, including at least one generic manufacturer defendant.	3/20/2007	Abbott, AstraZeneca, Dey, Roxane, Boehringer-Ingelheim, Schering, Warrick, Baxter. <i>See Exhibit X.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Sernyak, Amy	OIG, Department of Health and Human Services – Team Leader and Program Analyst (1995 -)	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit Y.</i>	3/6/2007	Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Schering, Warrick, BMS, Amgen, Baxter. <i>See Exhibit Y-1.</i>
Sexton, Gayle	Health Insurance Specialist w/CMS at Headquarters in Baltimore	MDL New York Counties Case. <i>See Exhibit Z</i>	N/A	5/20/2008	Abbot, Dey, Mylan, Ethex, Merck, Par, Boehringer Ingelheim, Roxane, Pharmacia, Pfizer, Sandoz, Schering, Schering-Plough, Warrick, Teva, Ivax, Sicor. <i>See Exhibit Z.</i>
Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	5/15/07, 7/13/07	<i>Day 1 (5/15/07): Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Bristol-Myers Squibb, Johnson & Johnson, Par, Teva, Ivax Corporation, Warrick, Schering, Schering-Plough, Merck, Aventis, Sanofi-Synthelabo, AstraZeneca, Amgen, GlaxoSmithKline. See Exhibit H-4.</i> <i>Day 2 (7/13/2007): Schering, Schering-Plough, Warrick, Abbott, Sandoz, Johnson & Johnson, Amgen, Dey LP, Dey Inc, Mylan, Roxane, Boehringer Ingelheim, Teva, Ivax, TAP, BMS, Merck, AstraZeneca. See Exhibit H-4.</i>
Smith, Dennis	Director, Center for Medicaid and State Operations, CMS (2001-2007)	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See Exhibit AA.</i>	2/26/08, 3/27/08	<i>Day 1 (2/26/08): Abbott, Dey, Mylan, Roxane, Boehringer Ingelheim, Endo, Schering, Schering-Plough, Warrick, Sandoz, Bristol-Myers Squibb. See Exhibit AA-1.</i> <i>Day 2 (3/27/08): same as previous day. See Exhibit AA-1.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Tawes, David	Director Medicare and Medicaid Pricing Unit, CMS (2005-2007); Office of Evaluations and Inspections, OIG, US Dept of Health – Program Analyst (1997-2004)	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	4/24/07, 4/25/07	<i>Day 1 (4/24/2007): Abbott, Dey, Sandoz, Roxane, Boehringer Ingelheim, Schering-Plough, Schering, Warrick, Barr, Baxter, AstraZeneca, BMS. See Exhibit H-5.</i> <i>Day 2 (4/25/2007): same as previous day. See Exhibit H-5.</i>
Thompson, Don	Senior Technical Advisor, Hospital and ambulatory Policy Group, CMS	MDL Abbott Case	Cross-Notice relates to “ALL CASES IN MDL 1456” in which Abbott is named or appeared. <i>See Exhibit BB.</i>	3/27/08, 3/28/08	<i>Day 1 (3/27/08): Abbott, Dey, Mylan, Boehringer Ingelheim, Roxane, Sandoz, Ethex, Schering, Schering-Plough, Warrick. See Exhibit BB-1.</i>
Timus, Sr. David M.	Paralegal at CMS	MDL Abbott Case. <i>See Exhibit CC.</i>	Not found on Lexis/Nexis. Appearances by multiple defendants in NY Counties’ case, including at least one generic manufacturer defendant.	6/6/2007	Abbott, Dey, Mylan, Roxane, Boehringer-Ingelheim, Baxter. <i>See Exhibit CC-1.</i>
Vladeck, Bruce	Administrator of HCFA	MDL Abbott Case	Cross-Notice relates to “ALL ACTIONS” in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit H.</i>	5/4/07, 6/21/07	<i>(5/4/07): Abbott, Roxane, Dey, Mylan, Schering and Schering-Plough, Warrick. Sandoz, Novartis, Bristol-Myers Squibb, Aventis, Amgen, AstraZeneca, Baxter, Merck. See Exhibit H-6.</i>

**Depositions of Federal Witnesses (CMS/HCFA/OIG) in
*In re Pharmaceutical Wholesale Pricing Litigation, MDL 1456***

Witness Name	Federal Agency and Title/Responsibility	Noticed	Cross Noticed or Appearances Beyond Underlying Action	Deposition Dates	Defendant Appearances
Vito, Robert	Office of Evaluations and Inspections, OIG, US Dept of Health - Regional Inspector General, Region III (1995-), Acting Regional Inspector General (1994-1995), Deputy Regional Inspector General (1991-1994); Office of Audit Services, OIG - Auditor (focus on Medicare and Medicaid programs), (1978-1990).	MDL Abbott Case	Cross-Notice relates to "ALL ACTIONS" in which Schering, Schering Plough or Warrick have been named, appeared or served. <i>See Exhibit DD.</i>	6/19/07, 6/20/07	<i>Day 1(6/19/07): Abbott, Roxane, Boehringer Ingelheim, B. Braun Medical Incorporated, Warrick, Schering, Schering-Plough, Barr, Duramed, Dey, Bristol-Myers Squibb, Sandoz, Novartis, Baxter, Amgen. See Exhibit DD-1.</i> <i>Day 2 (6/20/2007): Abbott, Dey, Roxane, Boehringer Ingelheim, B Braun, Schering-Plough, Schering, Warrick. See Exhibit DD-1.</i>
TOTAL = 31 Witnesses				TOTAL = 50	

EXHIBIT B



KIRBY McINERNEY LLP

825 Third Avenue
 New York, NY 10022 Jul 10 2009
 212.371.6600 5:26PM

VIA EMAIL AND LNFS

July 10, 2009

Fax. 212.751.2540
 WWW.KMLLP.COM

The Honorable Patti B. Saris
 United States District Court
 for the District of Massachusetts
 John J. Moakley U.S. Courthouse
 1 Courthouse Way
 Boston, Massachusetts 02210

**Re: *City of New York v. Abbott Labs, et al., MDL No. 1456*
 (Requested CMS Deposition Excerpts on FUL Issues)**

Dear Judge Saris:

Further to Your Honor's request at the July 8, 2009 hearing on plaintiffs' motion for partial summary judgment on issues relating to the FUL and under N.Y. Soc. Serv. L. 145-b, enclosed as Attachments A and B are relevant excerpts of the deposition testimony of CMS witnesses Sue Gaston and Gayle Sexton. Ms. Gaston set the FUL from April 1991 through February 2003. Ms. Sexton set the FUL from November 2004 through the end of our relevant period (December 2005).

Enclosed as Attachment C is a true and complete copy of the Gaston Declaration with exhibits, filed June 15, 2009 (Exhibit C to the Affidavit of Joanne M. Cicala in Opposition to Defendants' Joint Motion for Summary Judgment on Plaintiffs' "FUL Fraud" Claims [Dkt. No. 6144]).

Also, if permitted, I would like to make a correction to the record by way of this letter. At the July 8 hearing, and in our filings on plaintiffs' and defendants' motions, we have stated that 20 CMS witnesses were deposed by defendants in this matter over 28 days. In fact, there have been 27 CMS witnesses deposed by defendants over a total of 42 days. Attachment D sets forth this information. Where witness titles were readily available, we have supplied them.

Please advise if Your Honor would like to see any of the above-referenced deposition testimony in its entirety, or any other materials.

Respectfully submitted,

Joanne M. Cicala

Enclosures

cc: John T. Montgomery, Esq.
 All Counsel of record on LNFS

ATTACHMENT D

MDL 1456 CMS Depositors
City of New York, et al. v. Abbott Labs, et al.

Num.	Name	Title	Depo Taken
1	Bailey, Glenda 30(b)(6)		3/20/2007
2	Bassano, Amy		11/7/2007
3	Berenson, Robert		12/18/2007
4	Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	4/23/2007
	Booth, Charles	Director of the Office of Hospital Policy, Bureau of Policy Development; director of Financial services in the Office of Financial Management for the HCFA	10/29/2007
5	Bowen, Maryann	Office of Information Services, CMS, management-type functions-personnel training, administrative functions of running the facility	6/5/2007
6	Bruce, Tamara 30 (b)(6)		11/6/2008
7	Bryant, Joseph 30(b)(6)		11/15/2007
8	Buto, Kathleen	Director Office of Executive Operations, HCFA	9/12/2007
	Buto, Kathleen	Director Office of Executive Operations, HCFA	9/13/2007
9	DeParle, Nancy Ann	Administrator of HCFA 1997-2000	5/18/2007
	DeParle, Nancy Ann	Administrator of HCFA 1997-2000	12/5/2007
10	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	2/27/2007
	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	10/30/2007
	Duzor, Deidre	Director of Quality Systems Management, CMS, Director of Pharmacy Division for Medicaid at CMS	3/26/2008
11	Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	1/24/2008
	Gaston, Sue	HCFA-Health Insurance Specialist, Team lead for dispute resolution of Medicaid	3/19/2008
12	Gustafson, Tom		9/28/2007
	Gustafson, Tom		12/17/2007
13	Hardwick, Claire	Centers for Medicaid and State Operations, Office of Clinical Standards and Quality	6/6/2007
14	Hoover, John W.		12/18/2007
	Morris, Richard	HCFA Associate Regional Administrator '81-Retirement, Responsible for pgm operations-policy interpretation, state Medicaid plan approvals	8/29/2007
16	Neiman, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	10/11/2007
	Nieman, Robert	Bureau of Policy Development, Drug payment policy and ambulance payment policy, CMS	9/14/2007
17	Parker, Lisa	Office of Strategic Operations of Regulatory Affairs, CMS	6/6/2007
18	Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	4/17/2007
	Ragone, Linda	Office of Evaluations and Inspections, OIG, US Dept of Health	4/18/2007

MDL 1456 CMS Depositors
City of New York, et al. v. Abbott Labs, et al.

Num	Name	Title	Depo Taken
19	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	9/26/2007
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	9/27/2007
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/18/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/20/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	10/2/2008
	Reed, Larry	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	10/22/2008
	Reed, Larry 30 (b)(6)	HCFA Baltimore-Leadership Development Program, Branch Chief Processing policy division, Branch chief Medicaid Non-Institutional Payment Policy Branch	3/20/2008
20	Richter, Elizabeth		12/7/2007
21	Robey, Vickie 30(b)(6)		3/20/2007
22	Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	5/15/2007
	Scully, Thomas	CEO Federation of American Hospitals; Administrator of HCFA	7/13/2007
23	Sexton, Gail	Health Insurance Specialist w/CMS at Headquarters in Baltimore	3/20/2008
	Sexton, Gail	Health Insurance Specialist w/CMS at Headquarters in Baltimore	5/20/2008
24	Smith, Dennis		2/26/2006
	Smith, Dennis		2/26/2008
	Smith, Dennis		3/27/2008
25	Thompson, Don		3/28/2008
	Thompson, Don		9/30/2008
26	Timus, Sr. David M.	Paralegal at CMS	6/6/2007
27	Vladeck, Bruce	Administrator of HCFA	5/4/2007
	Vladeck, Bruce	Administrator of HCFA	6/21/2007
27 people total			42 days total

EXHIBIT C



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	MDL 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION)	Master File No. 01-CV-12257-PBS
<hr/>	
THIS DOCUMENT RELATES TO:)	Judge Patti B. Saris
ALL ACTIONS)	
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[PROPOSED] CASE MANAGEMENT ORDER NO. 9

WHEREAS, in CMO 7, the Court has ordered limited party discovery to proceed in the federal class action that has been designated the Lead Case in this MDL, Civil Action No. 01-12257-PBS, pending a decision on defendants' motions to dismiss the Amended Master Consolidated Class Action Complaint ("AMCC"); and

WHEREAS, motions to dismiss other included cases in MDL 1456 either are pending or will be filed; and

WHEREAS, in order to avoid duplication and burden on the parties in discovery, it is appropriate for all parties proceeding with discovery in the Lead Case to attempt to coordinate with the parties in all other cases in MDL 1456 before pursuing such discovery; and

WHEREAS, the Court finds that it would be helpful to provide procedures to attempt to coordinate discovery activities both among the included cases and with other cases that are, or may be, prosecuted in state court and that allege fraud or related



violations of law in connection with the pricing of Medicare or Medicaid reimbursed prescription drugs;

IT IS HEREBY ORDERED as follows:

I. COORDINATION AMONG ACTIONS INCLUDED IN MDL 1456

1. With respect to the limited discovery the Court has permitted to proceed in the Lead Case pending a decision on defendants' motions to dismiss, and with respect to any discovery that may occur thereafter, it shall be the responsibility of Liaison Counsel for all Class Plaintiffs (as designated in Case Management Order No. 1 or as modified by subsequent Order of this Court) to coordinate discovery on behalf of all Class Plaintiffs, with all plaintiffs in cases brought by government entities, and with any private opt out plaintiffs should any emerge.

2. Except for the limited discovery the Court has permitted to proceed in the Lead Case and discovery relevant to any motion to remand that challenges the court's jurisdiction over a removed case, no party may serve discovery on any other party in any action that is included within MDL 1456 prior to a defendant's filing of an answer to the complaint in the action in which discovery is to be served. In any action in which there are multiple defendants, only those defendants that have answered the complaint may serve, and are subject to, party discovery.

3. Upon request, defendants who have produced documents to plaintiffs in the Lead Case pursuant to CMO 5 and/or CMO 7 shall make those documents available to any government entity plaintiff in any action included within MDL 1456, except that no such plaintiff shall be entitled to have access to: a) documents produced by a defendant that is not named as a defendant in the operative complaint filed by such



plaintiff; b) documents relating to drugs that are not identified in the operative complaint filed by such plaintiff; and c) documents produced by a defendant that are not otherwise relevant to the claims asserted against that defendant in the operative complaint filed by such plaintiff.

4. Any party that is permitted to take a deposition may do so only after providing notice to counsel for all parties that are before the Court in any action that is included within MDL 1456.

5. To the extent that any party participates in a deposition, counsel for that party shall be bound by any order entered by this Court regarding the appropriate scope and nature of discovery in the action in which the deposition is noticed.

II. COORDINATION WITH STATE COURT PROCEEDINGS

1. This Court has recently ordered several cases initiated by State Attorneys General in State Court to be remanded to State Court. These cases fall within the subject matter definition of this MDL proceeding and the Court urges the parties to identify other cases pending in State Courts nationwide that similarly fall within the subject matter definition of this MDL proceeding. This Court intends to invite the State Courts presiding over those cases (the "State Court Cases") to enter into informal discovery coordination arrangements that (a) will allow plaintiffs' counsel in those cases to participate in the discovery activities in this proceeding (as though their cases were part of this proceeding), (b) will allow the parties in those cases to use the fruits of any discovery that is developed in this proceeding, and (c) will minimize the waste and inconvenience that would result if parallel discovery proceeded unabated in all cases.



However, such efforts are not intended by this Court to usurp or impede the management of any respective State Court by the State Court judge.

2. This Court (the "MDL Court") intends to invite each State Court that is presiding over a State Court Case, including State Court cases that are currently pending and State Court cases that are filed after the date of this Order, to declare that case to be a "Coordinated State Court Case" and enter an order containing provisions to the following effect:

- (a) The parties will make good faith efforts to coordinate discovery in the Coordinated State Court Case with the discovery that will be occurring in the MDL proceeding – MDL 1456, *In re Pharmaceutical Industry Average Wholesale Price Litigation*.
- (b) Under the coordination arrangement, counsel in the State Court Case shall be entitled to participate fully in any or all discovery activities in MDL 1456 in the same manner as counsel in any of the included actions in MDL 1456, subject to the orders and rules governing the MDL proceedings (including appearing before the MDL Court to address discovery-related matters in that proceeding).
- (c) Any discovery generated in the MDL 1456 proceeding will be fully available for use in the Coordinated State Court Case to the extent permitted by the State Court under its applicable evidentiary standards, and any discovery generated in a Coordinated State Court Case will be fully available for use in the MDL 1456



proceeding, subject to any applicable confidentiality or protective orders entered in the MDL proceeding.

(d) The Court's objective is to avoid duplicative depositions of any person or party. Plaintiffs' Liaison Counsel will be responsible for keeping all plaintiffs' counsel for the Coordinated State Court Cases fully apprised of the scheduling of any depositions in this proceeding and the Court will ask each State Court to order plaintiffs' counsel in a Coordinated State Court Case to reciprocate. If for any reason a defendant knows or has reason to believe that plaintiffs' counsel in the Coordinated State Court Cases are unaware of a deposition going forward in any case that is not a Coordinated State Court Case, it shall inform plaintiffs' counsel for the Coordinated State Court Cases of that deposition with enough notice to allow them or other counsel to attend.

3. To facilitate this effort to achieve coordination among this proceeding and the various State Court Cases, the parties will identify the State Court Cases that are pending as of the date of this Order and will notify this Court promptly of any new State Court Cases that are filed in the future.


United States District Judge

11/17/03

EXHIBIT D

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE	)	MDL NO. 1456
LITIGATION)	
	)	CIVIL ACTION: 01-CV-12257-PBS
THIS DOCUMENT RELATES TO)	
ALL ACTIONS	)	Judge Patti B. Saris
)	

PROTECTIVE ORDER

Pursuant to Rule 26(c) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed, by and between the parties, through their respective counsel, as follows:

IT IS HEREBY STIPULATED AND ORDERED AS FOLLOWS:

1. This Protective Order shall apply to the actions that have been consolidated for pretrial proceedings as *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS and all future actions that are transferred to MDL No. 1456 for coordinated or consolidated pretrial proceedings (collectively referred to herein as "the AWP Litigation").

2. The terms and conditions of this Order shall govern initial disclosures, the production and handling of documents, answers to interrogatories, responses to requests for admissions, depositions, pleadings, exhibits, other discovery taken pursuant to the Federal Rules of Civil Procedure, and all other information exchanged by the parties or by any third party in response to discovery requests or subpoenas.

3. The designation "CONFIDENTIAL" shall be limited to information that any producing party, including any third party, in good faith, believes to contain (a) proprietary or commercially sensitive information; (b) personal financial information; or (c) information that should otherwise be subject to confidential treatment under Rule 26(c)(7) of the Federal Rules of Civil Procedure.



4. Information designated "CONFIDENTIAL" may be disclosed only to the following persons:

- (a) a named "Individual Patient Plaintiff" (e.g., persons identified in Paragraphs 13 through 21 of the September 6, 2002, Master Consolidated Class Action Complaint in the AWP Litigation ("Complaint")) who have executed a Certification attached hereto as Exhibit A;
- (b) in-house counsel of a named party or, for a "Third-Party Payor" or "Non-Profit Association," as those terms are used in the Complaint, that does not have in-house counsel, one officer or employee of that party who is responsible for the AWP Litigation for that party and who has executed a Certification attached hereto as Exhibit A;
- (c) outside counsel representing a named party in the AWP Litigation, including all paralegal assistants, and stenographic and clerical employees working under the supervision of such counsel;
- (d) court reporters, interpreters, translators, copy services, graphic support services, document imaging services, and database/coding services retained by counsel, provided these individuals or an appropriate company official with authority to do so on behalf of the company executes a Certification attached hereto as Exhibit A;
- (e) an expert or consultant who (i) is retained by any attorney described in Paragraphs 4(b) and (c) to assist with the AWP Litigation, (ii) is not a current employee of a party or subsidiary or affiliate of a party, and (iii) such expert or consultant executes a Certification attached hereto as Exhibit A;
- (f) a person who prepared, received, or reviewed the "CONFIDENTIAL" information prior to its production in the AWP Litigation;
- (g) during depositions and preparation for depositions, a deposition witness who is a current employee of the party that produced the applicable document(s) or who appears, based upon the document itself or testimony in a deposition, to have knowledge of the contents of the document designated "CONFIDENTIAL" or the specific events, transactions, discussions, or date reflected in the document, provided such witness executes a Certification attached hereto as Exhibit A;
- (h) any private mediators utilized in the AWP Litigation, provided such person executes a Certification attached hereto as Exhibit A; and
- (i) the Court, and any Special Masters and/or Mediators appointed by the Court, under seal.

5. The designation "HIGHLY CONFIDENTIAL" or "ATTORNEY EYES ONLY" (collectively referred to herein as "HIGHLY CONFIDENTIAL") shall be limited to information that any producing party, including third parties, in good faith, believes to contain (a) current and past (to the extent they reflect on current) methods, procedures, and processes relating to the pricing of pharmaceuticals; (b) current and past (to the extent they reflect on current) marketing plans and methods; (c) current and past (to the extent they reflect on current) business planning and financial information; (d) trade secrets; (e) past or current company personnel or employee information; and (f) other "CONFIDENTIAL" information (as defined in Paragraph 3) the disclosure of which is likely to cause competitive or commercial injury to the producing party.

6. Information designated "HIGHLY CONFIDENTIAL" may be disclosed only to the following persons:

- (a) (i) in-house counsel of a named party who have executed a Certification attached hereto as Exhibit B may have access to all "HIGHLY CONFIDENTIAL" information; or (ii) in-house counsel of a named party who cannot satisfy the requirements of Exhibit B may have access only to "HIGHLY CONFIDENTIAL" information that identifies the company, employees, or drugs of the named party of the in-house counsel;
- (b) outside counsel representing a named party in the AWP Litigation, including all paralegal assistants, and stenographic and clerical employees working under the supervision of such counsel;
- (c) court reporters, interpreters, translators, copy services, graphic support services, document imaging services, and database/coding services retained by counsel, provided these individuals or an appropriate company official with authority to do so on behalf of the company executes a Certification attached hereto as Exhibit A;
- (d) an expert or consultant who (i) is retained by any attorney described in Paragraphs 6(a) and (b) to assist with of the AWP Litigation, (ii) is not a current employee of a party or subsidiary or affiliate of a party; and (iii) such expert or consultant executes a Certification attached hereto as Exhibit A;
- (e) a person who prepared, received, or reviewed the "HIGHLY CONFIDENTIAL" information prior to its production in the AWP Litigation;

- (f) during depositions and preparation for depositions, a deposition witness who is a current employee of the party that produced the applicable document(s) or who appears, based upon the document itself or testimony in a deposition, to have knowledge of the contents of the document designated "HIGHLY CONFIDENTIAL" or the specific events, transactions, discussions, or date reflected in the document, provided such witness executes a Certification attached hereto as Exhibit A;
- (g) any private mediators utilized in the AWP Litigation, provided such person executes a Certification attached hereto as Exhibit A; and
- (h) the Court, and any Special Masters and/or Mediators appointed by the Court, under seal.

7. This Order does not apply to any information or documents:
 - (a) already in the possession of a receiving party and not subject to any obligation of confidentiality; and
 - (b) acquired by a receiving party from a third party without being designated confidential or similar material unless the third party received the information or documents subject to any form of confidentiality protection.

8. All information designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" in accordance with the terms of this Order and produced or exchanged in the course of the AWP Litigation shall be used or disclosed solely for the purpose of the AWP Litigation and in accordance with the provisions of this Order. Such "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information shall not be used for any business purpose, or in any other litigation or other proceeding ,or for any other purpose, except by Court Order or otherwise required by law.

9. Any person or party receiving "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information that receives a request or subpoena for production or disclosure of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall promptly give notice by facsimile to the producing party identifying the information sought and enclosing a copy of the subpoena or request. Provided that the producing party makes a timely motion or other application for relief from the subpoena or other request in the appropriate forum, the person or party subject to the subpoena or other request shall not produce or disclose the requested

information without consent of the producing party or until ordered by a court of competent jurisdiction.

10. Counsel shall inform each person to whom they disclose or give access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information the terms of this Order, as well as the obligation to comply with those terms. Persons receiving "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information are prohibited from disclosing it to any person except in conformance with this Order. The recipient of any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information agrees to subject himself/herself to the jurisdiction of the Court for the purpose of any proceedings relating to the performance under, compliance with, or violation of this Order. The parties agree, and agree to inform each person to whom they disclose or give access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information, that damages for violation of this Order are not an adequate remedy and that the appropriate remedy is injunctive relief. Counsel agrees to maintain a file of all Certifications (Exhibits A and B) required by this Order.

11. The recipient of any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall maintain such information in a secure and safe area and shall exercise the same standard of due and proper care with respect to the storage, custody, use and/or dissemination of such information as is exercised by the recipient with respect to his or her own confidential or proprietary information.

12. "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information may include or be included in any document, physical object, tangible thing, transcript or oral testimony or recorded statement of counsel, such as by way of example and not limitation, transcripts, answers to interrogatories and other responses to discovery requests, pleadings, briefs, summaries, notes, abstracts, motions, drawings, illustrations, diagrams, blueprints, journal entries, logbooks, compositions, devices, test reports, programs, code, commands, electronic media, databases, and any other records and reports which comprise, embody or summarize information about the producing party's business, products, practices and procedures.

13. In designating information "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL," the producing or testifying party or person, including third parties, will make such designation only as to that information that it in good faith believes is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." All or any part of a document, tangible item, discovery response or pleading disclosed, produced, or filed by any party or person in the AWP Litigation may be designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" by the producing or disclosing party or person by marking the appropriate legend on the face of the document and each page so designated. With respect to tangible items, the appropriate legend shall be marked on the face of the tangible item, if practicable, or by delivering at the time of disclosure, production or filing to the party to which disclosure is made, written notice that such tangible item is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL."

14. The parties may designate the deposition testimony and exhibits (or portions thereof) of any witness in the AWP Litigation as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" at the time of the deposition by advising the reporter and all parties of such fact during the deposition. If any portion of a videotaped deposition is designated pursuant to this Paragraph, the videocassette or other videotape or CD-ROM container shall be labeled with the appropriate legend. Unless a shortened time period is requested as set forth below, within thirty (30) days of receipt of a transcript, the deponent, his/her counsel, or any other party may redesignate all or portions of the transcript "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL." The deponent, his/her counsel or any other party shall list on a separate piece of paper the numbers of the pages of the deposition transcript containing "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information and serve the same on opposing counsel. Pending such designation, the entire deposition transcript, including exhibits, shall be deemed "HIGHLY CONFIDENTIAL" information. If no designation is made within thirty (30) days after receipt of the transcript, the transcript shall be considered not to contain any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

(a) a party may reasonably request a shortening of the time period within which a confidentiality designation for a deposition transcript must be made for the purpose of conducting effective discovery, and consent to such a request shall not be unreasonably withheld.

In the event of a dispute as to a request for a shortened time period, the parties shall first try to dispose of such dispute in good faith on an informal basis. If the dispute cannot be resolved within five (5) business days, the party requesting the shortened time period may request appropriate relief from the Court. The parties agree, subject to Court approval, that such relief sought can be in the form of a telephone conference to be scheduled at the Court's earliest convenience with the objective of obtaining an immediate resolution of the dispute;

15. Any documents or pleadings to be filed with the Court that contain "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information, shall be filed under seal in an envelope marked "CONFIDENTIAL -- Filed Under Seal Pursuant to Court Order" or "HIGHLY CONFIDENTIAL -- Filed Under Seal Pursuant to Court Order" and bear the caption of the AWP Litigation and pleading or document title and such other description as will allow the Court to readily identify the documents or information or portions thereof so designated.

16. At the request of a producing party, the Court may limit or restrict person(s) not permitted access to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information from attending any hearing or deposition at which such information is revealed.

17. Nothing in this Order shall be construed in any way as a finding that information designated "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" actually is "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information. Any party may object, in writing, to the designation by another party by specifying the information in issue and its grounds for questioning the designation. A party shall not be obligated to challenge the propriety of a designation at the time made, and a failure to do so shall not preclude any subsequent challenge. In the event that any party to the AWP Litigation disagrees at any point in these proceedings with the designation by the producing party, the parties shall try first to dispose of such dispute in good faith on an informal basis. If the parties' cannot resolve the dispute within twenty-one (21) days of service of a written objection, the party challenging the designation may file a motion to compel within twenty-one (21) days after the parties' informal attempts at resolution have concluded. The information, documents or materials shall continue to receive the protection of their designation until the Court rules on the motion. The party that designated the information

"CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" shall have the burden of demonstrating the propriety of its designation.

18. Nothing herein shall be construed to be an admission of relevance or to affect, in any way, the admissibility of any documents, testimony or other evidence in the AWP Litigation. This Order is without prejudice to the right of any party to bring before the Court at any time the question of whether any particular information is or is not discoverable or admissible.

19. Nothing in this Order shall bar or otherwise restrict any attorney herein from rendering advice to clients with respect to the AWP Litigation and in the course thereof, referring to or relying upon the attorney's examination of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information so long as the attorney does not disclose "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

20. The inadvertent or mistaken disclosure by a producing party of "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information shall not constitute a waiver of any claim of confidentiality except where: (a) the producing party notifies a receiving party in writing of such inadvertent or mistaken disclosure within ten (10) business days of becoming aware of such disclosure and, (b) within thirty (30) days of such notice, the producing party fails to provide properly redesignated documents to the receiving party. During the thirty (30) day period after notice, the materials shall be treated as designated in the producing party's notice. Upon receipt of properly redesignated documents, the receiving party shall return all unmarked or incorrectly designated documents and other materials to the producing party within five (5) business days. The receiving party shall not retain copies thereof and shall treat information contained in said documents and materials and any summaries or notes thereof as appropriately marked pursuant to the producing party's notice.

21. Should any "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information be disclosed, through inadvertence or otherwise, by a receiving party to any person or party not authorized under this Order, then the receiving party shall: (a) use its best efforts to obtain the return of any such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information and to

bind such person or party to the terms of this Order; (b) within seven (7) business days of the discovery of such disclosure, inform such person of all provisions of this Order and identify such person or party to the producing party; and (c) request such person or party to sign the Certification attached hereto as Exhibit A or B. The executed Certification shall be served upon counsel for the producing party within ten (10) business days of its execution by the party to whom the "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information was inadvertently disclosed. Nothing in this Paragraph is intended to limit the remedies that the producing party may pursue for breach of this Order.

22. A producing person or entity who is not a party in the AWP Litigation shall be entitled to the protections afforded herein by signing a copy of this Order and serving same on all counsel of record. Thereafter, a producing person or entity may designate as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" only testimony, information, documents or things that such producing person or entity has produced or provided in the action.

23. This Order shall survive the termination of this litigation and the transferred actions and shall continue in full force and effect thereafter.

24. After final termination of this action, the outside counsel for a named party may each retain one copy of deposition transcripts and exhibits, Court transcripts and exhibits, and documents and other materials submitted to the Court. Nothing herein shall require the return or destruction of attorney work product. Such material shall continue to be treated as designated under this Order. Within sixty (60) days after final termination of the AWP Litigation, at the request of the producing party, counsel for the receiving party either shall (a) return all additional "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information in his/her possession, custody or control or in the custody of any authorized agents, outside experts and consultants retained or utilized by counsel for the receiving party to counsel for the party who has provided such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information in discovery or (b) certify destruction thereof to the producing party's counsel. As to "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information reflected in computer databases or backup tapes or

any other electronic form, the receiving party shall erase all such "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL" information.

25. Pursuant to Local Rule 7.2, within thirty (30) days after final termination of the AWP Litigation, outside counsel for a named party shall retrieve from the Court all "CONFIDENTIAL" and "HIGHLY CONFIDENTIAL" information that it filed with the Court during the AWP Litigation and return or dispose of such information in accordance with Paragraph 24.

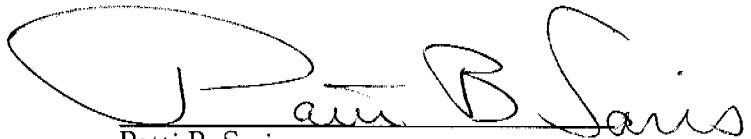
26. If information subject to a claim of attorney-client privilege or work product immunity is inadvertently or mistakenly produced, such production shall in no way prejudice or otherwise constitute a waiver of, or estoppel as to, any claim of privilege or work-product immunity for such information. If a party has inadvertently or mistakenly produced information subject to a claim of immunity or privilege, upon written request made by the producing party within twenty-one (21) days of discovery of such inadvertent or mistaken production, the information for which a claim of inadvertent production is made, including all copies, shall be returned within seven (7) business days of such request unless the receiving party intends to challenge the producing party's assertion of privilege or immunity. All copies of inadvertently or mistakenly produced documents shall be destroyed, and any document or material information reflecting the contents of the inadvertently produced information shall be expunged. If a receiving party objects to the return of such information within the seven (7) business day period described above, the producing party may move the Court for an order compelling the return of such information. Pending the Court's ruling, a receiving party may retain the inadvertently or mistakenly produced documents in a sealed envelope and shall not make any use of such information.

27. Provided a party has followed the procedures set forth herein, the Court deems that the party has complied with the requirements of Local Rule 7.2, Impounded and Confidential Materials.

28. Nothing in this Order shall prevent any party from applying to the Court for relief therefrom, or from applying to the Court for further or additional protective orders or modification of this Order.

29. It is further ordered that all pleadings, memoranda or other documents filed in court shall be treated as public regardless of the terms of this order unless the counsel for the party seeking protection certifies and explains why the material is confidential. To the extent that a brief or other document contains some confidential information, it shall be redacted in a public version.

Dated: 12/13, 2002



Patti B. Saris
United States District Judge

CERTIFICATION – EXHIBIT A

I hereby certify that I have read the attached Protective Order in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS, dated _____, 2002 (the “Order”), and I agree that I will not reveal “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information to, or discuss such with, any person who is not entitled to receive “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information in accordance with the Order, I will use “CONFIDENTIAL” or “HIGHLY CONFIDENTIAL” information only for the purposes of facilitating the prosecution or defense of the action and not for any business or other purpose. I will otherwise keep all “CONFIDENTIAL” and “HIGHLY CONFIDENTIAL” information confidential in accordance with this Order. I agree that the United States District Court for the District of Massachusetts has jurisdiction to enforce the terms of the Order, and I consent to jurisdiction of that Court over my person for that purpose. I will otherwise be bound by the strictures of the Order.

Dated: _____

[Print Name]

[Company]

[Address]

IN-HOUSE COUNSEL CERTIFICATION – EXHIBIT B

I hereby certify that I have read the attached Protective Order in *In re Pharmaceutical Industry Average Wholesale Price Litigation*, MDL No. 1456, Civil Action No. 01-12257-PBS, dated _____, 2002 (the “Order”), and I agree that I will not reveal “HIGHLY CONFIDENTIAL” information to, or discuss such with, any person who is not entitled to receive “HIGHLY CONFIDENTIAL” information in accordance with the Order. I will use “HIGHLY CONFIDENTIAL” information only for the purposes of facilitating the prosecution or defense of the action and not for any business or other purpose. I will otherwise keep all “HIGHLY CONFIDENTIAL” information confidential in accordance with this Order.

I agree that I will only review “HIGHLY CONFIDENTIAL” information in the offices of outside counsel or other location designated by outside counsel. I will not remove such information from outside counsel’s office or other location designated by outside counsel, nor make copies of or maintain any “HIGHLY CONFIDENTIAL” information at the offices at which I work.

My professional relationship with the party I represent and its personnel is strictly one of legal counsel. Although I may attend meetings where others discuss competitive decision-making, I am not involved in competitive decision-making (as discussed in *U.S. Steel Corp. v. United States*, 730 F.2d 1465 (Fed. Cir. 1984) and *Matsushita Elec. Indus. Co. v. United States*, 929 F.2d 1577 (Fed. Cir. 1991)), for or on behalf of the party I represent or any other party that might gain a competitive advantage from access to the material disclosed under the Order. Other than legal advice, I do not provide advice or participate in any decisions of such parties in matters involving similar or corresponding information about a competitor. This means that I do not, other than providing legal advice, for example, provide advice concerning decisions about, pricing, marketing or advertising strategies, product research and development, product design or

competitive structuring and compositions of bids, offers, or proposals, with respect to which the use of "HIGHLY CONFIDENTIAL" information could provide a competitive advantage.

I have attached a detailed narrative providing the following information: (a) my position and responsibilities as in-house counsel; and (b) the person(s) to whom I report, and their position(s) and responsibilities.

I further agree that the United States District Court for the District of Massachusetts has jurisdiction to enforce the terms of the Order, and I consent to jurisdiction of that Court over my person for that purpose. I will otherwise be bound by the strictures of the Order.

Dated: _____

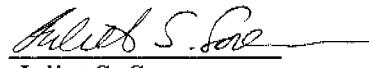
[Print Name]

[Company]

[Address]

CERTIFICATE OF SERVICE

I certify that on December 13, 2002, I caused a true and correct copy of the foregoing JOINT MOTION FOR ENTRY OF PROTECTIVE ORDER and proposed PROTECTIVE ORDER to be served on all counsel of record by electronic service in accordance with Case Management Order No. 2.



Juliet S. Sorensen

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(A)(2), the undersigned certifies that counsel for defendants conferred with counsel for plaintiff on this motion, and that counsel for plaintiff joined in the motion.



Juliet S. Sorensen

EXHIBIT E



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF GLENDA BAILEY

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Glenda Bailey. Ms. Bailey is being deposed in response to Abbott's Notice of Deposition of one or more persons designated by the United States to testify regarding the United States' responses to subpoenas issued in the Lupron MDL and the AWP MDL.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Hogan & Hartson LLP, 111 South Calvert St., Baltimore, MD, on March 20, 2007, beginning at 9:00 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: March 8, 2007

/s/ R. Christopher Cook

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF GLENDA BAILEY to be served upon be served on all counsel of record electronically by causing same to be posted via LexisNexis, this 8th day of March, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

EXHIBIT E-1

Bailey 30(b)(6), Glenda

0001

1 UNI TED STATES DI STRI CT COURT
2 FOR THE DI STRI CT OF MASSACHUSETTS
3

4 -----X
5 IN RE: PHARMACEUTICAL) MDL NO. 1456
6 INDUSTRY AVERAGE WHOLESALE) CI VIL ACTI ON:
7 PRICE LI TIGATI ON) 01-CV-12257-PBS
8 THIS DOCUMENT RELATES TO)
9 U. S. ex rel . Ven-A-Care of) Judge Patti B. Sari s
10 the Florida Keys, Inc. v.)
11 Abbott Laboratories, Inc. ,) Chi ef Magistrate
12 No. 06-CV-11337-PBS) Judge Mari anne B.
13) Bowler
14 -----X

15 HI GHLY CONFIDENTIAL
16 Tuesday, March 20, 2007
17

18 The video 30(b)(6) deposi ti on of GLENDA BAI LEY,
19 called for oral examinati on by Counsel for the
20 Defendant Abbott Laboratories, Inc. , pursuant to
21 notice, held in the law offi ces of Hogan & Hartson,
22 111 South Calvert Street, Baltimore, Maryland 21202,

0002

1 begi nni ng at 1: 46 p. m. , before Carol J. Robi nson,
2 Regi stered Professi onal Reporter and a Notary
3 Publ i c, when were present:

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1 APP E A R A N C E S

2
3 ON BEHALF OF THE PLAINTIFFS:
4 United States Department of Justice
5 BY: ANA MARIA MARTINEZ, ESQUIRE
6 Assistant United States Attorney
7 Southern District of Florida
8 99 N. E. 4th Street

Bailey 30(b)(6), Gienda

9 Miami, FL 33132
10 (305) 961-9431

11
12 Department of Health and Human Services
13 BY: LESLIE M. STAFFORD, ESQUIRE
14 Office of General Counsel
15 CMS Division
16 7500 Security Boulevard
17 Baltimore, Maryland 21244
18 (410) 786-9655

19

20

21

22 (CONTINUED)

0004

1 APPAREANCES (CONTINUED)
2

3 BERGER & MONTAGUE, P.C.
4 BY: SUSAN SCHNEIDER THOMAS, ESQUIRE
5 1622 Locust Street
6 Philadelphia, PA 19103
7 (215) 875-3000
8 sthomas@bm.net

9
10 ON BEHALF OF DEFENDANT ABBOTT LABORATORIES:
11 JONES DAY
12 BY: R. CHRISTOPHER COOK, ESQUIRE
13 LOUIS GABEL, ESQUIRE
14 51 Louisiana Avenue, N.W.
15 Washington, D.C. 20001
16 (202) 879-3939
17 christophercook@jonesday.com

18

19

20

21

22 (CONTINUED)

0005

1 APPAREANCES (CONTINUED)
2

3 ON BEHALF OF DEY, INC.,
4 DEY, LP AND DEY, LP, INC.:
5 KELLEY DRYE & WARREN LLP
6 BY: ANTONIA F. GIULIANA, ESQUIRE
7 101 Park Avenue
8 New York, New York 10178
9 (212) 808-7609
10 agiuliana@kellydrye.com

11
12 ON BEHALF OF ROXANNE LABORATORIES:
13 KIRKLAND & ELLIS
14 BY: CEYLAN A. EATHERTON, ESQUIRE
15 200 East Randolph Drive
16 Chicago, IL 60601
17 312-469-7087

Bailey 30(b)(6), Glenda
18 ceatherton@kirkland.com
19 (via telephone)
20
21

22 (CONTINUED)

0006

1 APPAREANCES (CONTINUED)
2

3 ON BEHALF OF SCHEIRING-WARRICK CORPORATION:
4 ROPES AND GRAY
5 BY: JOBE G. DANGANAN, ESQUIRE
6 One International Place
7 Boston, MA 02110-2624
8 (617) 951-7290
9 jobe.danganan@ropesgray.com
10 (via telephone)
11

12 ON BEHALF OF BAXTER HEALTHCARE:
13 DICKSTEIN SHAPIRO
14 BY: TINA D. REYNOLDS, ESQUIRE
15 1825 Eye Street NW
16 Washington, DC 20006
17 (202) 420-4114
18 reynoldst@dicksteinshapiro.com
19 (via telephone)
20
21

22 (CONTINUED)

0007

1 APPAREANCES (CONTINUED)
2

3 ON BEHALF OF ASTRAZENECA:
4 DAVIS POLK & WARDWELL
5 BY: CATHERINE LIFESO, ESQUIRE
6 450 Lexington Avenue
7 New York, NY 10017
8 (212) 450-4452
9 catherine.lifesoo@dpw.com
10

11 Also Present: Michael Hunterton, Videographer
12
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1 C O N T E N T S
2 EXAMINATION OF GLENDA BAILEY
3 By Mr. Cook.....

Page
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EXHIBIT F



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY) MDL NO. 1456
AVERAGE WHOLESALE PRICE)
LITIGATION) CIVIL ACTION: 01-CV-12257-PBS
)
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care of the Florida Keys,) Magistrate Judge Marianne B. Bowler
Inc. v. Abbott Laboratories, Inc., et al.)
No. 06-CV-11337-PBS)

NOTICE OF DEPOSITION OF AMY BASSANO

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Amy Bassano.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Hogan & Harston LLP, 111 South Calvert Street, Suite 1600, Baltimore, Maryland, on November 8, 2007, beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: October 17, 2007

/s/ David S. Torborg

James R. Daly

Tina M. Tabacchi

Brian J. Murray

JONES DAY

77 West Wacker Drive, Suite 3500

Chicago, Illinois 60601

Telephone: (312) 782-3939

Facsimile: (312) 782-8585

R. Christopher Cook

David S. Torborg

JONES DAY

51 Louisiana Avenue, N.W.

Washington, D.C. 20001-2113

Telephone: (202) 879-3939

Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF AMY BASSANO to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 17th day of October, 2007.

/s/ David S. Torborg
David S. Torborg

EXHIBIT F-1

Bassano, Amy

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1 UNI TED STATES DI STRICT COURT
2 FOR THE DI STRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE } CIVIL ACTION
6 PRICE LI TIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U. S. ex rel. Ven-a-Care of) Judge Patti B. Sari s
9 the Florida Keys, Inc.)
10 v.) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Mari anne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -

14

15 Vi deotaped deposi ti on of AMY BASSANO
16

17 Baltimore, Maryl and
18 Wednesday, November 7, 2007
19 9:00 a.m.

20

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2 Vi deotaped deposi ti on of AMY BASSANO, held at
3 the Law offi ces of Hogan & Hartson, 111 South
4 Calvert Street, Suite 1600, Baltimore, Maryl and
5 21202, the proceedings being recorded
6 stenographi cal ly by Jonathan Wonnell, a Registered
7 Professional Court Reporter, and transcri bed under
8 his di rect ion.

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2 APP E A R A N C E S O F C O U N S E L

3

4 On behal f of the United States of Ameri ca:
5 JUSTIN DRAYCOTT, ESQ.
6 U. S. Department of Justice
7 Ci vil Di vision
8 P. O. Box 261, Ben Franklin Station
Washington, D. C. 20044

9 Bassano, Amy
10 (202) 305-1088

11 On behalf of the U. S. Department of Health and
12 Human Services:
13 LESLIE M. STAFFORD, ESQ.
14 U. S. Department of Health & Human
15 Services
16 Office of General Counsel, CMS Division
17 7500 Security Boulevard
18 Mail Stop C2-05-23
19 Baltimore, Maryland 21244
20 (410) 786-9655

21
22
0004

1 APPARENCES (Cont'd)
2

3 On behalf of Abbott Laboratories, Inc.:
4 LOUIS P. GABEL, ESQ.
5 Jones Day
6 51 Louisiana Avenue, N.W.
7 Washington, D.C. 20001-2113
8 (202) 879-3939
9 lpgabel@jonesday.com

10

11 On behalf of Baxter Health Care and Baxter
12 International:
13 SHAMIR PATEL, ESQ. (via phone)
14 Dickstein Shapiro LLP
15 1825 Eye Street, N.W.
16 Washington, D.C. 20006
17 (202) 420-2728
18 patel.s@ dicksteinshapiro.com

19
20
21
22
0005

1 APPARENCES (Cont'd)
2

3 On behalf of Dey, Inc., Dey L.P., Inc. and Dey
4 L.P.:
5 SARAH L. REID, ESQ.
6 Kiley, Drye & Warren LLP
7 101 Park Avenue
8 New York, New York 10178
9 (212) 808-7720
10 sreid@kileydrye.com

11

12 Attorneys for Roxane Laboratories and
13 Boehringer Ingelheim:
14 JARED T. HECK, ESQ. (via phone)
15 Kirkland & Ellis
16 200 East Randolph Drive
17 Chicago, Illinois 60601

18 Bassano, Amy
19 (312) 469-7087
20 j heck@ki rkl and. com

21 ALSO PRESENT:
22 ELLEN HEBERT, Videographer

0006

1 I N D E X O F E X A M I N A T I O N S	2 WITNESS NAME	3 AMY BASSANO	4 By Mr. Gabel :	5 By Ms. Reid:	6 By Mr. Heck:	7	PAGE
9	10	11	12	13	14	15	16

8 I N D E X O F E X H I B I T S	9 NO. DESCRIPTION	10 Exhibit Abbott 391, Subpoena to Amy Bassano	11 dated 11/17/07 (no Bates ref)	12 Exhibit Abbott 392, Resume of Ms. Bassano (no	13 Bates ref)	14 Exhibit Abbott 393, U.S. & Relator's FRCP	15 26(a)(1)(A) Disclosure (No Bates ref)	16 Exhibit Dey 029, Plaintiffs' Initial Disclosures	17 (No Bates ref)	18	19	20	21	22	PAGE											
0007	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	39	42	80	137

1 P R O C E E D I N G S

2 (9:04 a.m.)

3 THE VIDEOGRAPHER: Good morning. This is
4 the video deposition of Amy Bassano taken by counsel
5 for the Defendant In Re: Pharmaceutical Industry
6 Average Wholesale Price Litigation regarding
7 Ven-A-Care of the Florida Keys versus Abbott
8 Laboratories, Inc. et al. from the United States
9 District Court for the District of Massachusetts,
10 MDL Number 1456, Civil Action Number 01-CV-12257-PBS
11 and Case Number 06-CV-11337-PBS and other cases in
12 which this has been cross noticed held in the
13 offices of Hogan & Hartson at 111 South Calvert
14 Street Baltimore, Maryland on this date, Wednesday
15 November 7th 2007 at the time indicated on the video
16 screen, 9:05 a.m.

17 My name is Ellen Hebert. I am the legal
18 video specialist. The court reporter is Jonathan
19 Wonnell. We are employed by Henderson Legal
20 Services. Will counsel please introduce themselves
21 and the parties they represent?

22 MR. GABEL: Louis Gabel from Jones Day.

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1 MS. REID: Sarah Reid from Kelley Drye on
2 behalf of the Dey companies.

3 MR. STAFFORD: Leslie Stafford on behalf
Page 3

EXHIBIT G



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE	)	CIVIL ACTION: 01-CV-12257-PBS
LITIGATION	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO	)	Chief Magistrate Judge Marianne B. Bowler
ALL CASES IN MDL NO. 1456. ¹)	
)	
)	

CROSS-NOTICE OF DEPOSITION OF ROBERT BERENSON

PLEASE TAKE NOTICE that, pursuant to the Federal Rules of Civil Procedure, defendants Abbott Laboratories and Abbott Laboratories, Inc. (collectively, "Abbott") hereby cross-notices the deposition of Robert Berenson for purposes of the above-captioned action. This deposition has been noticed in *United States ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, a case originally filed in the United States District Court for the Southern District of Florida, Case No. 06-21303-CIV-ASG, and now part of MDL 1456 in the United States District Court for the District of Massachusetts (the "DOJ suit"). A copy of the notice of deposition in the DOJ suit is attached as Exhibit A.

Mr. Berenson's deposition will take place at Jones Day, 51 Louisiana Ave., N.W., Washington, D.C., 20001-2113 on December 18, 2007 beginning at 10:00 a.m. The deposition will take place before a notary public, or any other officer authorized to administer oaths. The deposition will be taken upon cross-examination.

The deposition will be recorded by stenographic and/or sound and visual means. Arrangements will be made so that counsel may participate by telephone if they wish. The

¹ This notice applies to all cases in the MDL in which Abbott Laboratories or Abbott Laboratories, Inc. is named, has appeared and in which discovery has not closed.

deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: November 28, 2007

/s/ Brian J. Murray

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, IL 60601
Tel: (312) 782-3939
Fax: (312) 782-8585

*Counsel for Defendants Abbott Laboratories and
Abbott Laboratories, Inc.*

CERTIFICATE OF SERVICE

I, Jeremy P. Cole, an attorney, hereby certify that I caused a true and correct copy of the foregoing CROSS-NOTICE OF DEPOSITION OF ROBERT BERENSON to be served upon all counsel of record electronically via LexisNexis, this 28th day of November, 2007.

/s/ Jeremy P. Cole
Jeremy P. Cole

EXHIBIT A

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY) MDL NO. 1456
AVERAGE WHOLESALE PRICE)
LITIGATION) CIVIL ACTION: 01-CV-12257-PBS
)
) Judge Patti B. Saris
THIS DOCUMENT RELATES TO)
U.S. ex rel. Ven-A-Care of the Florida Keys,) Magistrate Judge Marianne B. Bowler
Inc. v. Abbott Laboratories, Inc., et al.)
No. 06-CV-11337-PBS)

NOTICE OF DEPOSITION OF ROBERT BERENSON

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Robert Berenson

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave., N.W., Washington, D.C., on December 18, 2007, beginning at 10:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: November 26, 2007

/s/ R. Christopher Cook

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF ROBERT BERENSON to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 26th day of November, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

<p>IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION</p> <p>THIS DOCUMENT RELATES TO <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.</i></p>	<p>Pending in:</p> <p>UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS</p> <p>MDL NO. 1456</p> <p>Civil Action No. 06-CV-11337-PBS Lead Case No. 01-CV-12257-PBS</p> <p>Judge Patti B. Saris</p> <p>Magistrate Judge Marianne B. Bowler</p>
--	---

SUBPOENA DUCES TECUM

TO: Robert Berenson
c/o Justin Draycott, Esq.
U.S. Department of Justice
601 D Street, N.W., Ninth Floor
Washington, D.C. 20004

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
DATE AND TIME	

YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.

PLACE OF DEPOSITION Jones Day 51 Louisiana Ave., N.W. Washington, D.C. 20001	DATE AND TIME December 18, 2007 at 10:00 AM
--	---

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see attached Exhibit A

PLACE	DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME

Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).

ISSUING OFFICER SIGNATURE AND TITLE (INDICATE IF ATTORNEY FOR PLAINTIFF OR DEFENDANT)	DATE
Attorney for Defendant Abbott Laboratories, Inc.	November 26, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: R. Christopher Cook, Esq., Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, (202) 879-3939

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
 (i) fails to allow reasonable time for compliance;
 (ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
 (iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
 (iv) subjects a person to undue burden.

(B) If a subpoena

 (i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
 (ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
 (iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

Documents Requested

1. A copy of your most current resume.
2. A copy of any and all Documents in your personal possession relating in any way to the pricing of drugs and/or the administration or dispensing of drugs under Medicare or Medicaid.
3. A copy of any and all Documents in your personal possession concerning the use of AWP or WAC by the Medicare or Medicaid programs for the reimbursement of drugs and/or the administration or dispensing of drugs.
4. A copy of any and all Documents in your personal possession concerning communications with Ven-A-Care of the Florida Keys, Inc., Centers for Medicare and Medicaid Services ("CMS") (including the office of the General Counsel), and/or any party which is a plaintiff in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.
5. A copy of any and all Documents in your personal possession concerning communications with the Department of Justice ("DOJ") or CMS regarding limitations on communications with any party which is a defendant in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.

Definitions

1. "AWP" or "Average Wholesale Price" means any figures so categorized and periodically published by any Publisher.
2. "Concern," "concerning," "relating to," or "relate to" means refer to, regard, concern, describe, explain, state, evidence, record, constitute, pertain to, reflect, comprise, contain, embody, mention, show, support, contradict, and discuss, whether directly or indirectly, as required by the context to bring within the scope of the requests in this request for production of documents any documents that might be deemed outside their scope by another construction.
3. "Documents" means all original written, recorded, or graphic matters whatsoever, and any and all non-identical copies thereof, including but not limited to advertisements, affidavits, agreements, analyses, applications, appointment books, bills, binders, books, books of account, brochures, calendars, charts, checks or other records of payment, communications, computer printouts, computer stores data, conferences, or other meetings, contracts, correspondence, diaries, electronic mail, evaluations, facsimiles, files, filings, folders, forms, interviews, invoices, jottings, letters, lists, manuals, memoranda, microfilm or other data

compilations from which information can be derived, minutes, notations, notebooks, notes, opinions, pamphlets, papers, photocopies, photographs or other visual images, policies, recordings of telephone or other conversations, records, reports, resumes, schedules, scraps of paper, statements, studies, summaries, tangible things, tapes, telegraphs, telephone logs, telex messages, transcripts, website postings, and work papers, which are in the possession of the Carrier as defined above. A draft or non-identical copy is a separate document within the meaning of this term.

4. "WAC" means "Wholesale Acquisition Cost."

EXHIBIT G-1

Berenson, Dr. Robert

0001

1

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - - - - - - - - - - - - X

4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U. S. ex rel. Ven-a-Care of : Judge Patti B. Sarris
9 the Florida Keys, Inc.

10 v.

11 Abbott Laboratories, Inc. : Chief Magistrate
12 No. 06-CV-11337-PBS : Judge Marianne B.

13 - - - - - - - - - - - - - - - X Bowler

14 (CROSS NOTICED CAPTIONS ON FOLLOWING PAGES)
15 Videotaped deposition of DR. ROBERT BERENSON
16 Volume I

17 Washington, D.C.
18 Wednesday, December 18, 2007
19 10:10 a.m.

20

21

22

0002

1 COMMONWEALTH OF KENTUCKY
2 FRANKLIN COURT - DIV. II

3 - - - - - - - - - - - - - - - X

4 COMMONWEALTH OF KENTUCKY, :
5 Plaintiff, : Civil Action No.
6 vs. : 03-CI-1134
7 ABBOTT LABORATORIES, INC., :
8 et al., :
9 Defendants.

10 - - - - - - - - - - - - - - - X

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1 IN THE COURT OF COMMON PLEAS
2 FIFTH JUDICIAL CIRCUIT

3 - - - - - - - - - - - - - - - X

4 STATE OF SOUTH CAROLINA, and: STATE OF SOUTH CAROLINA
5 Henry D. McMaster, in his : COUNTY OF RICHLAND
6 official capacity as : Case No. 2006-CP-40-4394
7 Attorney General for the :
8 State of South Carolina,

Berenson, Dr. Robert
Plaintiffs, :
vs. :
ABBOTT LABORATORIES, INC., :
Defendant. :
- - - - - X

0004

IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
STATE OF HAWAII

12 STATE OF WISCONSIN CIRCUIT COURT
13 DANE COUNTY

14 - - - - - - - - - - - - - - - - - X
15 STATE OF WISCONSIN, .
16 Plaintiff, .
17 vs. : Case No. 04-CV-1709
18 AMGEN, INC., et al., .
19 Defendants. .
20 - - - - - - - - - - - - - - - - - X

—
0005

1 IN THE DISTRICT COURT OF THE FOURTH JUDICIAL DISTRICT
2 OF THE STATE OF IDAHO, IN AND FOR THE COUNTY OF ADA
3 - - - - - X
4 STATE OF IDAHO,
5 Plaintiff, :
6 vs. : Case No. CV OC 0701846
7 ABBOTT LABORATORIES,
8 Defendant. :
9 - - - - - X

11 IN THE CHANCERY COURT OF HINDS COUNTY, MISSISSIPPI
12 FIRST JUDICIAL DISTRICT

13 - - - - - X
14 THE STATE OF MISSISSIPPI, :
15 Plaintiff, :
16 vs. : Civil Action No.
17 ABBOTT LABORATORIES, INC. G2005-2021

Berenson, Dr. Robert
18 et al., :
19 Defendants. :
20 - - - - - X
21
22

0006

1 COURT OF COMMON PLEAS
2 HAMILTON COUNTY, OHIO
3 - - - - - X
4 STATE OF OHIO, : Judge Myers
5 Plaintiff, : Consolidated Civil Case
6 vs. : A0402047
7 DEY, INC., et al., : (Case Remanded - No. may
8 Defendants. : change)
9 - - - - - X

10

11 UNITED STATES DISTRICT COURT
12 FOR THE DISTRICT OF MASSACHUSETTS
13 - - - - - X

14 IN RE PHARMACEUTICAL : MDL No. 1456
15 AVERAGE WHOLESALE PRICE : Civil Action Nos.
16 LITIGATION : 1:07-cv-10270-PBS
17 : 1:01-cv-12257-PBS
18 This filing relates to: : (Pending Remand)
19 State of Ohio v. Dey, Inc., :
20 et al., : Judge Patti B. Sarris
21 Case No. 1:07-cv-10270-PBS :
22 - - - - - X

0007

1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA
2 - - - - - X
3 COMMONWEALTH OF PENNSYLVANIA :
4 by THOMAS W. CORBETT, JR., in :
5 his capacity as Attorney :
6 General of the Commonwealth :
7 of Pennsylvania, :
8 Plaintiff, :
9 vs. : No. 212 M.D. 2004
10 TAP Pharmaceutical Products, :
11 Inc., et al., :
12 Defendants. :
13 - - - - - X
14
15
16
17
18
19
20
21
22

0008

1 IN THE CIRCUIT COURT OF
2 MONTGOMERY COUNTY, ALABAMA
3 - - - - - X

Berenson, Dr. Robert

4 STATE OF ALABAMA, :
5 Plaintiff, :
6 vs. : Case No. : CV-2005-219
7 ABBOTT LABORATORIES, INC., : Judge Charles Price
8 et al. :
9 Defendants. :
10 - - - - - X
11

12 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS
13 COUNTY DEPARTMENT, CHANCERY DIVISION

14 - - - - - X
15 THE PEOPLE OF THE STATE OF :
16 ILLINOIS, :
17 Plaintiff, :
18 vs. : Case No. 05CH02474
19 ABBOTT LABORATORIES, et al., :
20 Defendants. :
21 - - - - - X
22

0009

1 STATE OF NEW YORK
2 SUPREME COURT: COUNTY OF OSWEGO
3 - - - - - X
4 COUNTY OF OSWEGO, :
5 Plaintiff, :
6 vs. : Index No. 06-0697
7 ABBOTT LABORATORIES, INC., :
8 et al., :
9 Defendants. :
10 - - - - - X
11

12 STATE OF NEW YORK
13 SUPREME COURT: COUNTY OF SCHENECTADY
14 - - - - - X
15 COUNTY OF SCHENECTADY, :
16 Plaintiff, :
17 vs. : Index No. 06-0886
18 ABBOTT LABORATORIES, INC., :
19 et al., :
20 Defendants. :
21 - - - - - X
22

0010

1 STATE OF NEW YORK
2 SUPREME COURT: COUNTY OF ERIE
3 - - - - - X
4 COUNTY OF ERIE, :
5 Plaintiff, :
6 vs. : Index No. 05-2439
7 ABBOTT LABORATORIES, INC., :
8 et al., :
9 Defendants. :
10 - - - - - X
11

12 IN THE SUPERIOR COURT FOR THE STATE OF ALASKA

0011
1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
2 IN AND FOR LEON COUNTY, FLORIDA
3 THE STATE OF FLORIDA

5 VEN-A-CARE OF THE FLORIDA :
6 KEYS, INC., a Florida :
7 Corporation, by and through its :
8 principal officers and directors, :
9 ZACHARY T. BENTLEY and :
10 T. MARK JONES, :
11 Plaintiffs, :
12 vs. :
13 MYLAN LABORATORIES INC.; MYLAN :
14 PHARMACEUTICALS INC.; NOVOPHARM :
15 LTD., SCHEIN PHARMACEUTICAL, INC.; :
16 TEVA PHARMACEUTICAL INDUSTRIES :
17 LTD., TEVA PHARMACEUTICAL USA; :
18 and WATSON PHARMACEUTICALS, INC., :
19 Defendants. :
20 :
21 - - - - - X

Civil Action
No.: 98-3032G
Judge: William
L. Gary

0012 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
1 STATE OF MISSOURI
2 STATE OF MISSOURI, ex rel,
3 JEREMIAH W. (JAY) NIXON,
4 Attorney General,
5 and
6 MISSOURI DEPARTMENT OF SOCIAL
7 SERVICES, DIVISION OF MEDICAL
8 SERVICES, Plaintiffs,
9 Case No.
10 054-1216
11 Division No. 31
12 vs.
13 DEY INC., DEY, L.P., MERCK KGaA,
14 EMD, INC., WARRICK
15 PHARMACEUTICALS CORPORATION,
16 SCHERING-PLough CORPORATION, and
17 SCHERING CORPORATION,
18 Defendants.
19 - - - - - X

Berenson, Dr. Robert

22

0013

1 CAUSE NO. D-1-GV-07-0001259
2 - - - - - x In the District Court
3 THE STATE OF TEXAS, ex. rel. :
4 VEN-A-CARE OF THE FLORIDA :
5 KEYS, INC. : Travis County, Texas
6 Plaintiffs, :
7 SANDOZ, INC., f/k/a GENEVA : 201st Judicial
8 PHARMACEUTICALS, INC., NOVARTIS : District
9 PHARMACEUTICALS, INC., NOVARTIS :
10 AG, EON LABS, APOTHECON, INC. :
11 MYLAN PHARMACEUTICALS, INC., MYLAN :
12 LABORATORIES, INC., UDL :
13 LABORATORIES, INC., TEVA :
14 PHARMACEUTICALS USA, INC., f/k/a :
15 LEMMON PHARMACEUTICALS, INC. :
16 COPLEY PHARMACEUTICALS, INC., IVAX :
17 PHARMACEUTICALS, INC., SICOR :
18 PHARMACEUTICALS, INC., TEVA :
19 NOVAPHARM, INC., and TEVA :
20 PHARMACEUTICAL INDUSTRIES, LTD. :
21 Defendants. :
22 - - - - - x

0014

1 videotaped Telephone Deposition of DR.
2 ROBERT BERENSON, a witness herein, called for
3 examination by counsel for Abbott Laboratories in the
4 above-entitled matter, pursuant to notice, the
5 witness being duly sworn by SUSAN L. CIMINELLI, a
6 Notary Public in and for the District of Columbia,
7 taken at the offices of Jones Day, 51 Louisiana
8 Avenue, N.W., Washington, D.C., at 10:10 a.m., and
9 the proceedings being taken down by Stenotype by
10 SUSAN L. CIMINELLI, CRR, RPR, and transcribed under
11 her direction.

12

13

14

15

16

17

18

19

20

21

22

0015

1 APPEARANCES:

2

3 On Behalf of the United States of
4 America:

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7 Civil Division

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15 Health and Human Services:
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0016

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0017

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Berenson, Dr. Robert
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0018

1 APPEARANCES:
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4 Schering Corporation and Warwick Pharmaceutical s
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13 On Behalf of Abbott Laboratories:
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0019

1 APPEARANCES:
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4 Idaho, Illinois, Kentucky, South Carolina, and
5 Wisconsin: (Via telephone)
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13 On Behalf of Bristol-Myers Squibb: (Via telephone)
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20
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22

0020

1 APPEARANCES:
2

Berenson, Dr. Robert
 On Behalf of Dey, Inc. and Dey, L.P. and Mylan:
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 Kiley Drye & Warren LLP
 101 Park Avenue
 New York, New York 10178
 212) 808-7811
 nmerkl@kileydrye.com

On Behalf of Roxane Laboratories and Boehringer Ingelheim:
 ERIC GORTNER, ESQ.
 Kirkland & Ellis LLP
 200 East Randolph Drive
 Chicago, Illinois 60601
 egortner@kirkland.com
 (312) 861-2286

ALSO PRESENT:
 Conway Barker, Videographer

EXAMINATION	C O N T E N T S	
By Mr. Murray	COUNSEL FOR DEFENDANT ABBOTT	
By Mr. Merkl	COUNSEL FOR DEFENDANT DEY	25
By Mr. Gortner	COUNSEL FOR DEFENDANT ROXANE	187
By Mr. Libman	COUNSEL FOR ALASKA, ET AL.	288
		316

Afternoon session - 110

E X H I B I T S

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E X H I B I T S

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Exhibit Dey 034-HHD101-1198 HHS letter 9/27/00	272
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EXHIBIT H



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION)	
	)	Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:	)	Judge Patti B. Saris
ALL ACTIONS ¹	)	Magistrate Judge Marianne B. Bowler
)	
)	

**CROSS-NOTICE OF DEPOSITIONS OF LINDA RAGONE, CHARLES BOOTH,
DAVID TAWES, THOMAS SCULLY, BRUCE VLADECK, LISA FOLEY STAND, AND
NANCY-ANN MIN DEPARLE**

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Schering Corporation ("Schering"), Schering Plough Corporation ("Schering Plough"), and Warrick Pharmaceuticals Corporation ("Warrick")² hereby cross-notice the depositions of Linda Ragone, Charles Booth, David Tawes, Thomas Scully, Bruce Vladeck, Lisa Foley Stand, and Nancy-Ann Min DeParle for purposes of all cases pending in MDL No. 1456. These depositions have been noticed in *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, No. 06-CV-11337-PBS, a matter that is currently a part of MDL No. 1456. Copies of the deposition notices and subpoenas are attached as Exhibits A-G.

Ms. Ragone's deposition will begin at 9:00 am on April 17, 2007 at the offices of Morgan Lewis, 1701 Market Street, Philadelphia, PA 19103. Mr. Booth's deposition will begin at 9:00

¹ As explained herein, this cross-notice regards all actions pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

² This cross-notice, which is being served for purposes of a number of actions pending in MDL No. 1456, is only served in a particular action on behalf of those entities that have appeared, been named, and been served in that particular action. To the extent that Schering, Schering Plough, or Warrick have not appeared, been served, or been named in a particular action, this notice does not constitute an appearance, consent to service, or consent to joinder

am on April 23, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Mr. Tawes deposition will begin at 9:00 am on April 24, 2007 at the offices of Morgan Lewis, 1701 Market Street, Philadelphia, PA 19103. Mr. Scully's deposition will begin at 9:00 am on May 1, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Mr. Vladeck's deposition will begin at 8:30 am on May 4, 2007 at the offices of Jones Day, 222 East 41st Street, New York, NY 10017. Ms. Stand's deposition will begin at 9:00 am on May 10, 2007 at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001. Ms. DeParle's deposition will begin at 9:00 am on May 18, 2007, at the offices of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., 20001.

The depositions will take place before a notary public, or any other officer authorized to administer oaths. The depositions will be taken upon cross-examination. The depositions will be recorded by stenographic and/or sound and visual means. Arrangements will be made so that counsel may participate via telephone if they wish. The depositions are being taken for the purpose of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

by Schering, Schering Plough, or Warrick, respectively, in that action. Schering, Schering Plough, and Warrick also do not waive any objection regarding jurisdiction or other defenses, where applicable.

By attorneys,

/s/ Eric P. Christofferson

John T. Montgomery (BBO#352220)
Steven A. Kaufman (BBO#262230)
Eric P. Christofferson (BBO#654087)
Ropes & Gray LLP
One International Place
Boston, Massachusetts 02110-2624
(617) 951-7000

*Attorneys for Schering Corporation, Schering-
Plough Corporation, and Warrick
Pharmaceuticals Corporation*

Dated: April 9, 2007

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2007, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Adam Wright
Adam Wright

EXHIBIT H-1

Booth, Charles R.

Washington, DC

April 23, 2007

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -
4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris
9 the Florida Keys, Inc. v. :
10 Abbott Laboratories, Inc., : Chief Magistrate
11 No. 06-CV-11337-PBS : Judge Marianne B.
12 - - - - -x Bowler
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 - - - - -
16 STATE OF ALABAMA, :
17 Plaintiff, :
18 vs. : Case No.: CV-05-219
19 ABBOTT LABORATORIES, INC., : Judge Charles Price
20 et al., :
21 Defendants. :
22 - - - - -x

Booth, Charles R.

April 23, 2007

Washington, DC

Page 2

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3
 4 THE STATE OF FLORIDA
 5 ex rel.
 6 - - - - - x
 7 VEN-A-CARE OF THE FLORIDA :
 8 KEYS, INC., a Florida :
 9 Corporation, by and through its :
 10 principal officers and directors, :
 11 ZACHARY T. BENTLEY and :
 12 T. MARK JONES, :
 13 Plaintiffs, :
 14 vs. : Civil Action
 15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G
 16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William
 17 LTD., SCHEIN PHARMACEUTICAL, INC.; L. Gary
 18 TEVA PHARMACEUTICAL INDUSTRIES :
 19 LTD., TEVA PHARMACEUTICAL USA; :
 20 and WATSON PHARMACEUTICALS, INC., :
 21 Defendants. :
 22 - - - - - x

Page 4

1 Washington, D.C.
 2 Monday, April 23, 2007
 3
 4 Videotaped Deposition of CHARLES R. BOOTH,
 5 a witness herein, called for examination by counsel
 6 for Abbott Laboratories in the above-entitled
 7 matter, pursuant to notice, the witness being duly
 8 sworn by KAREN YOUNG, a Notary Public in and for the
 9 District of Columbia, taken at the offices of Jones
 10 Day, 51 Louisiana Avenue, Northwest, Washington,
 11 D.C., at 9:41 a.m. on Monday, April 23, 2007, and
 12 the proceedings being taken down by Stenotype by
 13 KAREN YOUNG, and transcribed under her direction.
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Page 3

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3
 4 - - - - - x
 5 STATE OF MISSOURI, ex rel., :
 6 JEREMIAH W. (JAY) NIXON, :
 7 Attorney General, :
 8 and :
 9 MISSOURI DEPARTMENT OF SOCIAL :
 10 SERVICES, DIVISION OF MEDICAL : Case No.:
 11 SERVICES, : 054-1216
 12 Plaintiffs, : Division No. 31
 13 vs. :
 14 DEY INC., DEY, L.P., MERCK KGaA, :
 15 EMD, INC., WARRICK :
 16 PHARMACEUTICALS CORPORATION, :
 17 SCHERING-PLough CORPORATION, and :
 18 SCHERING CORPORATION, :
 19 Defendants. :
 20 - - - - - x
 21
 22

Page 5

1 APPEARANCES:
 2 On Behalf of the United States of America:
 3
 4 GEJAA T. GOBENA, ESQ.
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 21 (305) 961-9431
 22

2 (Pages 2 to 5)

Booth, Charles R.

Washington, DC

April 23, 2007

	Page 6		Page 8
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On Behalf of the U.S. Department of	3	On Behalf of Ven-a-Care of the
4	Health and Human Services:	4	Florida Keys, Inc.:
5		5	
6	BRIAN KELLEY, ESQ.	6	JAMES JOSEPH BREEN, ESQ.
7	U.S. Department of Health and	7	The Breen Law Firm
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13		13	
14	On Behalf of the KMS New York Counties:	14	On Behalf of the MDL Plaintiffs:
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	Page 7		Page 9
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On Behalf of the State of Alabama:	3	On Behalf of Schering-Plough Corporation and
4	(by telephone)	4	Schering Corporation and Warrick
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3 (Pages 6 to 9)

Booth, Charles R.

April 23, 2007

Washington, DC

	Page 10		Page 12
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
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21		21	
22		22	
	Page 11		Page 13
1	APPEARANCES (continued):	1	APPEARANCES:
2		2	
3	On Behalf of Sandoz, Inc.:	3	On Behalf of Dey, Inc. and Dey, L.P.:
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4 (Pages 10 to 13)

Booth, Charles R.

April 23, 2007

Washington, DC

Page 14

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 2
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 14 Boehringer Ingelheim:
 15
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 19 Chicago, Illinois 60601
 20 egortner@kirkland.com
 21 (312) 861-2286
 22

Page 16

1 C O N T E N T S
 2 THE WITNESS:
 3 CHARLES R. BOOTH
 4 By Mr. Cook 23
 5
 6
 7
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 9
 10
 11
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 15
 16
 17
 18
 19
 20
 21
 22

Page 15

1 APPEARANCES:
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 3 On Behalf of GlaxoSmithKline:
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 5 Covington & Burling LLP
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 8 MLYNCH@COV.COM
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 11 On Behalf of Amgen, Inc.:
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 13 JENNIFER A. WALKER, ESQ.
 14 Hogan & Hartson LLP
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 16 Baltimore, Maryland 21202
 17 jawalker@hhlaw.com
 18 (410) 659-2759
 19
 20 ALSO PRESENT:
 21 Joey Thrower, Videographer
 22

Page 17

1 E X H I B I T S
 2 ABBOTT EXHIBIT NO. PAGE NO.
 3 Exhibit Abbott 110 Notice of Deposition 028
 4 Exhibit Abbott 111 Subpoena 028
 5 Exhibit Abbott 112 Biographical Sketch of Charles
 6 R. Booth 030
 7 Exhibit Abbott 113 OIG Report 094
 8 Exhibit Abbott 114 Memo from Director to Ass.
 9 Regional Administrators 113
 10 Exhibit Abbott 115 Editor's Message 223
 11 Exhibit Abbott 116 Memo from Acting Director to
 12 Administrator 230
 13 Exhibit Abbott 117 Hearn letter to Whitlock,
 14 draft 230
 15 Exhibit Abbott 118 Brief for Respondent,
 16 Louisiana vs. Department of
 17 HHS 238
 18 Exhibit Abbott 119 Departmental Appeals Board
 19 Decision, 8/22/91 243
 20 Exhibit Abbott 120 Excerpt from Federal
 21 Register, 6/5/91 246
 22 - - -

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EXHIBIT H-2

DeParle, Nancy-Ann

Washington, DC

May 18, 2007

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - - x
4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris
9 the Florida Keys, Inc. v. :
10 Abbott Laboratories, Inc., : Chief Magistrate
11 No. 06-CV-11337-PBS : Judge Marianne B.
12 - - - - - x Bowler
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 - - - - - x
16 STATE OF ALABAMA, :
17 Plaintiff, :
18 vs. : Case No.: CV-05-219
19 ABBOTT LABORATORIES, INC., : Judge Charles Price
20 et al., :
21 Defendants. :
22 - - - - - x

DeParle, Nancy-Ann

Washington, DC

May 18, 2007

Page 2

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3
 4 THE STATE OF FLORIDA
 5 ex rel.
 6 - - - - - x
 7 VEN-A-CARE OF THE FLORIDA :
 8 KEYS, INC., a Florida :
 9 Corporation, by and through its :
 10 principal officers and directors, :
 11 ZACHARY T. BENTLEY and :
 12 T. MARK JONES, :
 13 Plaintiffs, :
 14 vs. : Civil Action
 15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G
 16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William
 17 LTD., SCHEIN PHARMACEUTICAL, INC.; L. Gary
 18 TEVA PHARMACEUTICAL INDUSTRIES :
 19 LTD., TEVA PHARMACEUTICAL USA; :
 20 and WATSON PHARMACEUTICALS, INC., :
 21 Defendants, :
 22 - - - - - x

Page 4

1 Videotaped Deposition of NANCY-ANN
 2 DePARLE, a witness herein, called for examination by
 3 counsel for Abbott Laboratories in the
 4 above-entitled matter, pursuant to notice, the
 5 witness being duly sworn by Robert M. Jakupciak, a
 6 Notary Public in and for the District of Columbia,
 7 taken at the offices of Jones Day, 51 Louisiana
 8 Avenue, N.W., Washington, D.C. , 20001, at 9:00
 9 a.m., on May 18, 2007, and the proceedings being
 10 taken down by Stenotype by Robert M. Jakupciak, RPR.
 11
 12
 13
 14
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 22

Page 3

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3 - - - - - x
 4 STATE OF MISSOURI, ex rel., :
 5 JEREMIAH W. (JAY) NIXON, :
 6 Attorney General, :
 7 and :
 8 MISSOURI DEPARTMENT OF SOCIAL :
 9 SERVICES, DIVISION OF MEDICAL : Case No.:
 10 SERVICES, : 054-1216
 11 Plaintiffs, : Division No. 31
 12 vs. :
 13 DEY INC., DEY, L.P., MERCK KGaA, :
 14 EMD, INC., WARRICK :
 15 PHARMACEUTICALS CORPORATION, :
 16 SCHERING-PLough CORPORATION, and :
 17 SCHERING CORPORATION, :
 18 Defendants, :
 19 - - - - - x

Page 5

1 APPEARANCES:
 2
 3 On behalf of the United States of America:
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 7 P.O. Box 261
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 11
 12 and
 13
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 17 Patrick Henry Building - 9133
 18 Washington, D.C. 20044
 19 (202) 514-1511
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2 (Pages 2 to 5)

DeParle, Nancy-Ann

Washington, DC

May 18, 2007

Page 6

1 APPEARANCES (Cont'd.)
 2
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 4 Health and Human Services:
 5 DEBORAH M. CHASAN-SLOAN, ESQUIRE
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 7 Human Services
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1 APPEARANCES (Cont'd.)
 2
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 4 Florida Keys, Inc.:
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Page 7

Page 9

1 APPEARANCES (Cont'd.)
 2
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3 (Pages 6 to 9)

DeParle, Nancy-Ann

Washington, DC

May 18, 2007

	Page 10		Page 12
1 APPEARANCES (Cont'd.)		1 TELEPHONIC APPEARANCES (Cont'd.)	
2		2	
3 On behalf of Roxane Laboratories and		3 On behalf of the State of Alabama:	
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12 THE FOLLOWING COUNSEL PRESENT VIA TELEPHONE		12 CATHERYN O'ROURKE, ESQUIRE	
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	Page 11		Page 13
1 TELEPHONIC APPEARANCES (Cont'd.)		1 TELEPHONIC APPEARANCES (Cont'd.)	
2		2	
3 On behalf of the State of Florida:		3 On behalf of Amgen:	
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12 JOSEPH G. MATYE, ESQUIRE		12 J. ANDREW JACKSON, ESQUIRE	
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21		21	
22		22	

4 (Pages 10 to 13)

DeParle, Nancy-Ann

Washington, DC

May 18, 2007

C O N T E N T S			Page 14	Page 16
NUMBER	DESCRIPTION	PAGE		
1 THE WITNESS: NANCY-ANN DEPARLE			1 Whereupon,	
2 EXAMINATION	PAGE		2 (Exhibit Abbott 198 was premarked	
3 By Mr. Cook.....	020		3 for identification.)	
4			4 VIDEOGRAPHER: Good morning. This is	
5			5 the videotape deposition of Nancy-Ann DeParle	
6			6 taken by the defendant party in the matter of In	
7			7 Re: Pharmaceutical Industry Average Wholesale	
8			8 Price Litigation, MDL Number 1456, Civil Action	
9			9 Number 01-CV-12257-PBS, before the United States	
10			10 District Court for the District of Massachusetts.	
11			11 The date is May 18, 2007, and this	
12			12 deposition is being held at Jones Day, Reavis &	
13			13 Pogue, 51 Louisiana Avenue, Northwest, in	
14			14 Washington, D.C. The time on the monitor is 9:07	
15			15 a.m.	
16			16 My name is Michael Hunterton and I'm	
17			17 the certified videographer associated with the	
18			18 firm of Henderson Legal Services, located at 1015	
19			19 15th Street, Northwest, in Washington, D.C. The	
20			20 court reporter is Bob Jakupciak, associated with	
21			21 the same firm.	
22			22 Will counsel at the table please	
E X H I B I T S (Cont'd.)			Page 15	Page 17
NUMBER	DESCRIPTION	PAGE		
1 Exhibit Abbott 209 - Excerpt from Federal			1 introduce themselves for the record.	
2 Register.....	242		2 MR. COOK: Christopher Cook and Sean	
3			3 Malone, from Jones Day, representing Abbott	
4			4 Laboratories, Inc.	
5 Exhibit Abbott 210 - Interim Final Rule.....	252		5 MR. GORTNER: Eric Gortner, from	
6 Exhibit Abbott 211 - Letter dated 3-25-99.....	254		6 Kirkland & Ellis, representing Roxane	
7 Exhibit Abbott 212 - Letter dated 5-5-00.....	260		7 Laboratories, Inc. and Boehringer-Ingelheim	
8 Exhibit Abbott 213 - Letter dated 5-31-00.....	261		8 Corporation, and all affiliated entities.	
9 Exhibit Abbott 214 - Hearing transcript -			9 MS. REID: Sarah Reid, Kelley Drye &	
10 June 13, 2000.....	287		10 Warren, representing the Dey Companies in the DOJ	
11 Exhibit Abbott 215 - Letter dated 9-8-00.....	295		11 action, and Dey Companies in the cross-notice	
12 Exhibit Abbott 216 - Program Memorandum.....	295		12 depositions.	
13 Exhibit Abbott 217 - Letter dated 9-15-00.....	304		13 MR. SINENENG: Philip Sineneng, from	
14 Exhibit Abbott 218 - Letter dated 9-25-00.....	307		14 White & Case, for Sandoz.	
15 Exhibit Abbott 219 - Letter dated 9-18-00.....	310		15 MR. McDONALD: John McDonald, from	
16 Exhibit Abbott 220 - Letter dated 7-28-00.....	313		16 Locke Liddell, representing Warrick, Schering,	
17 Exhibit Abbott 221 - Program Memorandum.....	316		17 Schering-Plough and B. Braun Medical.	
18			18 MR. SCHAU: Andrew Schau, from	
19			19 Patterson Belknap Webb & Tyler, representing the	
20			20 Johnson & Johnson Companies.	
21			21 MR. PAUL: Nicholas Paul, from the	
22			22 Department of Justice, for California in the	

5 (Pages 14 to 17)

DeParle, Nancy-Ann Min - Vol. II

Washington, DC

December 5, 2007

Page 328

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456

5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION

6 PRICE LITIGATION) 01-CV-12257-PBS

7 THIS DOCUMENT RELATES TO)

8 U.S. ex rel. Ven-a-Care of) Judge Patti B. Saris

9 the Florida Keys, Inc.)

10 v.) Chief Magistrate

11 Abbott Laboratories, Inc.,) Judge Marianne B.

12 No. 06-CV-11337-PBS) Bowler

13 - - - - -

14 (captions continue on following pages)

15

16

17 Videotaped deposition of NANCY-ANN MIN DEPARLE

18 Volume 2

19

20

21

22

DeParle, Nancy-Ann Min - Vol. II

Washington, DC

December 5, 2007

<p style="text-align: right;">Page 329</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT 2 IN AND FOR LEON COUNTY, FLORIDA 3 THE STATE OF FLORIDA 4 ex rel. 5 ----- 6 VEN-A-CARE OF THE FLORIDA KEYS,) 7 INC., a Florida Corporation, by and) 8 through its principal officers and) 9 directors, ZACHARY T. BENTLEY and) 10 T. MARK JONES,) 11 Plaintiffs,) Civil Action 12 vs.) No. 98-3032G 13 MYLAN LABORATORIES INC.; MYLAN) 14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William 15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary 16 TEVA PHARMACEUTICAL INDUSTRIES) 17 LTD.; TEVA PHARMACEUTICAL USA; and) 18 WATSON PHARMACEUTICALS, INC.,) 19 DEFENDANTS.) 20 ----- 21 22</p>	<p style="text-align: right;">Page 331</p> <p>1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT 2 STATE OF HAWAII 3 ----- 4 STATE OF HAWAII,) 5 Plaintiff,) Case No. 6 vs.) 06-1-0720-04 EEH 7 ABBOTT LABORATORIES, INC.,) 8 et al.,) JUDGE EDEN 9 Defendants.) ELIZABETH HIFO 10 ----- 11 12 IN THE FOURTH JUDICIAL DISTRICT OF THE STATE OF 13 IDAHO, IN AND FOR THE COUNTY OF ADA 14 ----- 15 STATE OF IDAHO,) 16 Plaintiff,) 17 vs.) Case No. CV OC 0701846 18 ABBOTT LABORATORIES,) 19 Defendant.) 20 ----- 21 22</p>
<p style="text-align: right;">Page 330</p> <p>1 IN THE CIRCUIT COURT OF 2 MONTGOMERY COUNTY, ALABAMA 3 ----- 4 STATE OF ALABAMA,) 5 Plaintiff,) 6 vs.) Case No. CV-2005-219 7 ABBOTT LABORATORIES, INC.,) Judge Charles Price 8 et al.,) 9 Defendants.) 10 ----- 11 12 STATE OF WISCONSIN CIRCUIT COURT 13 DANE COUNTY 14 ----- 15 STATE OF WISCONSIN,) 16 Plaintiff,) 17 vs.) Case No. 04-CV-1709 18 AMGEN INC., et al.,) 19 Defendants.) 20 ----- 21 22</p>	<p style="text-align: right;">Page 332</p> <p>1 IN THE CIRCUIT COURT OF COOK COUNTY, ILLINOIS 2 COUNTY DEPARTMENT, CHANCERY DIVISION 3 ----- 4 THE PEOPLE OF THE STATE OF) 5 ILLINOIS,) 6 Plaintiff,) Case No. 05 CH 02474 7 vs.) 8 ABBOTT LABORATORIES, et al.,) 9 Defendants.) 10 ----- 11 12 COMMONWEALTH OF KENTUCKY 13 FRANKLIN CIRCUIT COURT - DIV. II 14 ----- 15 COMMONWEALTH OF KENTUCKY,) 16 Plaintiff,) Civil Action 17 vs.) NO. 03-CI-1134 18 ABBOTT LABORATORIES, INC., et al.,) 19 Defendants.) 20 ----- 21 22</p>

2 (Pages 329 to 332)

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DeParle, Nancy-Ann Min - Vol. II

Washington, DC

December 5, 2007

<p>1 IN THE COMMONWEALTH COURT OF PENNSYLVANIA 2 ----- 3 COMMONWEALTH OF PENNSYLVANIA by) 4 THOMAS W. CORBETT, JR., in his) 5 capacity as Attorney General of the) 6 Commonwealth of Pennsylvania,) 7 Plaintiff,) 8 vs.) 9 TAP PHARMACEUTICAL PRODUCTS, INC.,) 10 et al.,) 11 Defendants.) 12 ----- 13 Washington, D.C. 14 Wednesday, December 5, 2007 15 9:00 a.m. 16 Videotaped deposition of NANCY-ANN MIN 17 DEPARLE, held at the law offices of Jones Day, 51 18 Louisiana Avenue, N.W., Washington, D.C. 19 20001-2113,, the proceedings being recorded 20 stenographically by Jonathan Wonnell, a Notary 21 Public in and for the District of Columbia, and 22 transcribed under his direction.</p>	<p style="text-align: right;">Page 333</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of the U.S. Department of Health and 4 Human Services: 5 DEBORAH M. CHASAN-SLOAN, ESQ. 6 U.S. Department of Health & Human 7 Services 8 Office of General Counsel, CMS Division 9 330 Independence Avenue, S.W., Room 5345 10 Washington, D.C. 20201 11 (202) 619-2603 12 13 On behalf of the State of Alabama: 14 H. CLAY BARNETT, III, ESQ. (via phone) 15 Beasley, Allen, Crow, Methvin, Portis & 16 Miles, P.C. 17 218 Commerce Street 18 Montgomery, Alabama 36104 19 (800) 898-2034 20 clay.barnett@beasleyallen.com 21 22</p>
<p>1 A P P E A R A N C E S O F C O U N S E L 2 3 On behalf of the United States of America: 4 REBECCA A. FORD, ESQ. 5 U.S. Department of Justice 6 Civil Division, Commercial Litigation 7 601 D Street, N.W., Room 9133 8 Washington, D.C. 20044 9 (202) 514-1511 10 rebecca.ford@usdoj.gov 11 12 On behalf of the United States of America: 13 JAMIE ANN YABELBERG, ESQ. 14 U.S. Department of Justice 15 Civil Division 16 P.O. Box 261, Ben Franklin Station 17 Washington, D.C. 20044 18 (202) 514-6514 19 20 21 22</p>	<p style="text-align: right;">Page 334</p> <p>1 A P P E A R A N C E S (Cont'd) 2 3 On behalf of the State of California: 4 NICHOLAS N. PAUL, ESQ. (via phone) 5 Supervising Deputy Attorney General 6 Civil Prosecutions Unit 7 P.O. Box 85266 8 110 West A Street, #1100 9 San Diego, California 82186 10 (619)-688-6099 11 nicholas.paul@doj.ca.gov 12 13 On behalf of the State of Florida: 14 MARY S. MILLER, ESQ. (via phone) 15 Office of the Attorney General of Florida 16 PL-01, The Capitol 17 Tallahassee, Florida 32399-1050 18 (850) 414-3600 19 mary_miller@oag.state.fl.us 20 21 22</p>

3 (Pages 333 to 336)

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DeParle, Nancy-Ann Min - Vol. II

Washington, DC

December 5, 2007

	Page 337		Page 339
1	A P P E A R A N C E S (Cont'd)	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of the Commonwealth of Pennsylvania:	3	On behalf of AstraZeneca Pharmaceuticals LP:
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10	On behalf of the States Hawaii, Idaho,	10	
11	Illinois, Kentucky and Wisconsin:	11	On behalf of Aventis Pharmaceuticals and
12	ROBERT S. LIBMAN, ESQ. (via phone)	12	Sanofi Synthelabo:
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21		21	
22		22	
	Page 338		Page 340
1	A P P E A R A N C E S (Cont'd)	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of Ven-A-Care of the Florida Keys,	3	On behalf of Baxter Health Care and Baxter
4	Inc.:	4	International:
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13	R. CHRISTOPHER COOK, ESQ.	13	SANDHYA P. KAWATRA, ESQ. (via phone)
14	SEAN P. MALONE, ESQ.	14	Hogan & Hartson
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4 (Pages 337 to 340)

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DeParle, Nancy-Ann Min - Vol. II

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December 5, 2007

	Page 341		Page 343
1	A P P E A R A N C E S (Cont'd)	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of Dey, Inc., Dey, L.P. and Mylan:	3	ALSO PRESENT:
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10		10	
11	On behalf of Roxane Laboratories and	11	
12	Boehringer Ingelheim:	12	
13	ERIC GORTNER, ESQ.	13	
14	Kirkland & Ellis	14	
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19		19	
20		20	
21		21	
22		22	
	Page 342		Page 344
1	A P P E A R A N C E S (Cont'd)	1	I N D E X O F E X A M I N A T I O N S
2		2	
3	On behalf of Schering-Plough Corporation,	3	WITNESS NAME: NANCY-ANN MIN DEPARLE
4	Schering Corporation and Warrick	4	PAGE
5	Pharmaceuticals Corporation:	5	Examination By Mr. Cook..... 349
6	KARIN B. TORGERSON, ESQ.	6	Examination By Ms. Reid..... 414
7	Locke, Lord, Bissell & Liddell LLP	7	Examination By Mr. Gortner..... 472
8	2200 Ross Avenue, Suite 2200	8	Examination By Mr. Wallach..... 619
9	Dallas, Texas 75201	9	Examination By Mr. Haviland..... 623
10	(214) 740-8000	10	Examination By Mr. Cook..... 666
11	ktorgerson@lockelord.com	11	Examination By Ms. Reid..... 684
12		12	Examination By Mr. Gortner..... 692
13	On behalf of SmithKline Beecham Corporation	13	Examination By Mr. Wallach..... 706
14	d/b/a GlaxoSmithKline:	14	Examination By Mr. Haviland..... 711
15	MICHAEL J. NEWMAN, ESQ. (via phone)	15	
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5 (Pages 341 to 344)

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EXHIBIT H-3

Ragone, Linda - Vol. I

April 17, 2007

Philadelphia, PA

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 -----X MDL NO. 1456
4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:
5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS
6 -----X
7 THIS DOCUMENT RELATES TO: :
8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:
9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS
10 Laboratories, Inc. :
11 -----X
12
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 -----X
16 STATE OF ALABAMA, : CASE NO.
17 Plaintiff, : CV-05-219
18 v. :
19 ABBOTT LABORATORIES, INC., : JUDGE
20 et al., : CHARLES PRICE
21 Defendants. :
22 -----X

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Page 2

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----X
 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.
 5 Plaintiff, : 03-CV-11865-PBS
 6 v. :
 7 MYLAN LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 12 STATE OF MISSOURI
 13 -----X
 14 STATE OF MISSOURI, ex rel. : CASE NO.
 15 JEREMIAH W. (JAY) NIXON, Attorney : 054-1216
 16 General, and MISSOURI DEPT. OF : DIVISION
 17 SOCIAL SVCS, DIV. OF MEDICAL SVCS.,: NO. 31
 18 Plaintiffs, :
 19 v. :
 20 DEY INC., et al. :
 21 Defendants. :
 22 -----X

Page 3

1 SUPERIOR COURT OF NEW JERSEY
 2 UNION COUNTY
 3 -----X
 4 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION
 5 behalf of itself and all others : DOCKET NO.
 6 similarly situated, as defined : UNN-L-2329-04
 7 herein, :
 8 Plaintiffs, :
 9 v. :
 10 DEY, INC., et al. :
 11 Defendants. :
 12 -----X
 13
 14 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 15 -----X
 16 STATE OF WISCONSIN, : CASE NO.
 17 Plaintiff, : 04-CV-1709
 18 v. :
 19 AMGEN INC., et al., :
 20 Defendants. :
 21 -----X
 22

Page 4

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390
 11 CORPORATION, et al. : 2006-CP-40-4399
 12 Defendants. :
 13 -----X
 14 STATE OF SOUTH CAROLINA, and : STATE OF
 15 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 16 capacity as Attorney General for : COUNTY OF
 17 the State of South Carolina, : RICHLAND
 18 Plaintiff, :
 19 v. : CASE NO.
 20 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
 21 Defendant. :
 22 -----X

Page 5

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 2 STATE OF HAWAII
 3 -----X
 4 STATE OF HAWAII, : CASE NO.
 5 Plaintiff, : 06-1-0720-04 EEH
 6 v. :
 7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
 8 Defendants. : ELIZABETH HIFO
 9 -----X
 10
 11 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
 12 IN AND FOR THE COUNTY OF MARICOPA
 13 -----X
 14 ROBERT J. SWANSTON, individually : CIVIL ACTION NO.
 15 and on behalf of himself and all : CV 2002-004988
 16 others similarly situated, :
 17 Plaintiff, :
 18 v. :
 19 TAP PHARMACEUTICAL PRODUCTS, INC., :
 20 et al., :
 21 Defendants. :
 22 -----X

2 (Pages 2 to 5)

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Page 6

1 COMMONWEALTH OF KENTUCKY
 2 FRANKLIN CIRCUIT COURT - DIV. II
 3 -----X
 4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.
 5 Plaintiff, : 03-CI-1134
 6 v. :
 7 ABBOTT LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 COMMONWEALTH OF KENTUCKY
 12 FRANKLIN CIRCUIT COURT - DIV. I
 13 -----X
 14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.
 15 GREGORY D. STUMBO, Attorney General: 03-CI-1487
 16 Plaintiff, :
 17 v. :
 18 ALPHAPHARMA, INC., et al. :
 19 Defendants. :
 20 -----X
 21
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Page 7

1 VIDEOTAPED DEPOSITION OF LINDA RAGONE
 2 APRIL 17, 2007
 3
 4 Videotaped deposition of LINDA RAGONE
 5 was taken, pursuant to notice, at MORGAN LEWIS &
 6 BOCKIUS, LLP, 1701 Market Street, Philadelphia,
 7 Pennsylvania, on Tuesday, April 17, 2007, beginning
 8 at 9:16 a.m., before M. Kathleen Muino, Professional
 9 Shorthand Reporter, Notary Public; Richard
 10 Kanzinger, Jr., Videographer, there being present:
 11
 12 APPEARANCES:
 13
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3 (Pages 6 to 9)

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4 (Pages 10 to 13)

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Page 14

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 10 the Alaska AWP Litigation
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 22

5 (Pages 14 to 17)

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		Page 18		Page 20
1	I N D E X		1	P R O C E E D I N G S
2			2	
3	WITNESS: LINDA RAGONE	PAGE	3	THE VIDEOGRAPHER: We're on the record.
4	EXAMINATION BY MR. COOK.....	025	4	This is a videotaped deposition for the United
5			5	States District Court for the District of
6			6	Massachusetts.
7	E X H I B I T S		7	My name is Richard Kanzinger, Jr., and
8	NUMBER	DESCRIPTION	8	I'm employed by Henderson Legal Services, in
9	Exhibit Abbott 080-Compilation of		9	Philadelphia, Pennsylvania. The court reporter
10	Cross-Notices.....	026	10	today is Kathleen Muino.
11	Exhibit Abbott 081-"Prescription Drug Prices:		11	The caption for today is: In Reference
12	Are We Getting Our Money's		12	to the Pharmaceutical Industry Average Wholesale
13	Worth".....	182	13	Price Litigation; this relates to U.S. ex rel
14	Exhibit Abbott 082-Memo with Attachment from		14	Ven-A-Care of the Florida Keys, Inc. versus Abbott
15	B. Mitchell to W. Toby, Jr.		15	Laboratories, Inc., Case No. 06-CV-11337-PBS.
16	dated 10/20/92.....	207	16	This deposition is being taken at 1701
17	Exhibit Abbott 083-20th Anniversary OIG		17	Market Street, Ninth floor, in Philadelphia,
18	Semiannual Report.....	218	18	Pennsylvania.
19	Exhibit Abbott 084-Memo with Attachment from		19	At this time, all counsel will be noted
20	JG Brown to BC Vladeck		20	on the stenographic record. And the deponent for
21	dated 8/13/96.....	218	21	today is Linda Ragone. Today's date is Tuesday,
22	(Continued)		22	April 17th, 2007. The time is 9:17.
		Page 19		
1	E X H I B I T S (Continued)			Page 21
2	NUMBER	DESCRIPTION		1
3	Exhibit Abbott 085-"Medicare Reimbursement		2	Would the court reporter, please, swear
4	Of Albuterol" June 2000....	246	3	in the witness.
5	Exhibit Abbott 086-"Excessive Medicare		4	-----
6	Reimbursement for		5	LINDA RAGONE, having been first duly
7	Albuterol" March 2002.....	246	6	sworn, was examined and testified as follows:
8	Exhibit Abbott 087-"Update: Excessive		7	-----
9	Medicare Reimbursement		8	THE VIDEOGRAPHER: You may now begin.
10	for Albuterol"		9	MS LIANG: Excuse me. This is the State
11	January 2004.....	246	10	of Florida. I'd like to put an objection on the
12			11	record before we start.
13			12	MR. COOK: Okay. I think we're going to
14			13	identify everybody on the record first.
15			14	MS. LIANG: Okay. All right.
16			15	MR. COOK: I'm Christopher Cook, I'm with
17			16	Jones Day; Dave Torborg, also from Jones Day. We
18			17	are here representing Abbott Laboratories, Inc.
19			18	MR. MERKL: Neil Merkl, from Kelley Drye,
20			19	Representing Dey, Dey Company.
21			20	MR. SINENENG: Philip Sineneng, from
22			21	White and Case, representing Sandoz.
			22	MR. GORTNER: Eric Gortner, I'm from
				Kirkland & Ellis, representing Roxane Laboratories

6 (Pages 18 to 21)

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1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 -----X MDL NO. 1456

5 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

6 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

7 -----X

8 THIS DOCUMENT RELATES TO: :

9 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

10 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

11 Laboratories, Inc. :

12 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

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	Page 413		Page 415
1	UNITED STATES DISTRICT COURT	1	IN THE COURT OF COMMON PLEAS
2	DISTRICT OF MASSACHUSETTS	2	FIFTH JUDICIAL CIRCUIT
3	-----X	3	-----X
4	THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.	4	STATE OF SOUTH CAROLINA, and : STATE OF
5	Plaintiff, : 03-CV-11865-PBS	5	HENRY D. McMASTER, in his official : SOUTH CAROLINA
6	v. : capacity as Attorney General for : COUNTY OF	6	the State of South Carolina, : RICHLAND
7	MYLAN LABORATORIES, INC., et al. :	7	Plaintiff, :
8	Defendants. :	8	v. : CIVIL ACTION NO.
9	-----X	9	WARRICK PHARMACEUTICALS : 2006-CP-40-4390
10	IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS	10	CORPORATION, et al. : 2006-CP-40-4399
11	STATE OF MISSOURI	11	Defendants. :
12	-----X	12	-----X
13	STATE OF MISSOURI, ex rel. : CASE NO.	13	STATE OF SOUTH CAROLINA, and : STATE OF
14	JEREMIAH W. (JAY) NIXON, Attorney : 054-1216	14	HENRY D. McMASTER, in his official : SOUTH CAROLINA
15	General, and MISSOURI DEPT. OF : DIVISION	15	capacity as Attorney General for : COUNTY OF
16	SOCIAL SVCS, DIV. OF MEDICAL SVCS.,: NO. 31	16	the State of South Carolina, : RICHLAND
17	Plaintiffs, :	17	Plaintiff, :
18	v. :	18	v. : CASE NO.
19	DEY INC., et al. :	19	ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
20	Defendants. :	20	Defendant. :
21	-----X.	21	-----X
22		22	
	Page 414		Page 416
1	SUPERIOR COURT OF NEW JERSEY	1	IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
2	UNION COUNTY	2	STATE OF HAWAII
3	-----X	3	-----X
4	CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION	4	STATE OF HAWAII, : CASE NO.
5	behalf of itself and all others : DOCKET NO.	5	Plaintiff, : 06-1-0720-04 EEH
6	similarly situated, as defined : UNN-L-2329-04	6	v. :
7	herein, :	7	ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
8	Plaintiffs, :	8	Defendants. : ELIZABETH HIFO
9	v. :	9	-----X
10	DEY, INC., et al. :	10	
11	Defendants. :	11	IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
12	-----X	12	IN AND FOR THE COUNTY OF MARICOPA
13		13	-----X
14	STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY	14	ROBERT J. SWANSTON, individually : CIVIL ACTION NO.
15	-----X	15	and on behalf of himself and all : CV 2002-004988
16	STATE OF WISCONSIN, : CASE NO.	16	others similarly situated, :
17	Plaintiff, : 04-CV-1709	17	Plaintiff, :
18	v. :	18	v. :
19	AMGEN INC., et al., :	19	TAP PHARMACEUTICAL PRODUCTS, INC., :
20	Defendants. :	20	et al., :
21	-----X	21	Defendants. :
22		22	-----X

2 (Pages 413 to 416)

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<p>1 COMMONWEALTH OF KENTUCKY 2 FRANKLIN CIRCUIT COURT - DIV. II 3 -----X 4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO. 5 Plaintiff, : 03-CI-1134 6 v. : 7 ABBOTT LABORATORIES, INC., et al. : 8 Defendants. : 9 -----X 10 11 COMMONWEALTH OF KENTUCKY 12 FRANKLIN CIRCUIT COURT - DIV. I 13 -----X 14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO. 15 GREGORY D. STUMBO, Attorney General: 03-CI-1487 16 Plaintiff, : 17 v. : 18 ALPHAPHARMA, INC., et al. : 19 Defendants. : 20 - - - 21 Continuation of the videotaped 22 deposition of LINDA RAGONE was taken, pursuant</p>	<p>Page 417</p> <p>1 APPEARANCES: 2 3 UNITED STATES DEPARTMENT OF JUSTICE 4 CIVIL DIVISION 5 BY: JOHN K. NEAL, ESQUIRE 6 601 D Street, N.W. 7 Washington, D.C. 20004 8 Phone: (202) 307-0405 9 John.Neal2@usdoj.gov 10 Representing the United States 11 12 U.S. DEPARTMENT OF JUSTICE 13 CIVIL DIVISION 14 BY: JUSTIN DRAYCOTT, ESQUIRE 15 P.O. Box 261 16 Ben Franklin Station 17 Washington, D.C. 20044 18 Phone: (202) 305-9300 19 justin.draycott@usdoj.gov 20 Representing the United States 21 22 APPEARANCES: (CONTINUED)</p>
<p>1 to notice, at MORGAN LEWIS & BOCKIUS, LLP, 2 1701 Market Street, Philadelphia, 3 Pennsylvania, on Wednesday, April 18, 2007, 4 beginning at 9:04 a.m., before M. Kathleen 5 Muino, Professional Shorthand Reporter, Notary 6 Public; Richard Kanzinger, Jr., Videographer, 7 there being present: 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22</p>	<p>Page 418</p> <p>1 APPEARANCES: (CONTINUED) 2 U.S. DEPARTMENT OF HEALTH & HUMAN SERVICES 3 Office of Counsel to the Inspector General 4 Administrative and Civil Remedies Branch 5 BY: NANCY W. BROWN, ESQUIRE 6 Room 5527, Cohen Building 7 330 Independence Avenue, S.W. 8 Washington, D.C. 20201 9 Phone: (202) 205-9430 10 Nancy.Brown@oig.hhs.gov 11 Representing the United States 12 13 BERGER & MONTAGUE, P.C. 14 BY: ROSLYN G. POLLACK, ESQUIRE 15 1622 Locust Street 16 Philadelphia, Pennsylvania 19103-6305 17 Phone: (215) 875-3000 18 rpollack@bm.net 19 Representing Ven-A-Care 20 21 22 APPEARANCES: (CONTINUED)</p>

3 (Pages 417 to 420)

Ragone, Linda - Vol. II

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Washington, DC

	Page 421		Page 423
1 APPEARANCES: (CONTINUED)		1 APPEARANCES: (CONTINUED)	
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20		20	
21		21	
22 APPEARANCES: (CONTINUED)		22 APPEARANCES: (CONTINUED)	
	Page 422		Page 424
1 APPEARANCES: (CONTINUED)		1 APPEARANCES: (CONTINUED)	
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20 of Hawaii		20	
21		21	
22 APPEARANCES: (CONTINUED)		22 APPEARANCES: (CONTINUED)	

4 (Pages 421 to 424)

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	Page 425		Page 427
1 APPEARANCES: (CONTINUED)		1 TELEPHONIC APPEARANCES (Continued):	
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9 and Warrick		9	
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15 BY: JOHN TOMLINSON, ESQUIRE		15 ReynoldsT@dicksteinshapiro.com	
16 218 Commerce Street		16 Representing Baxter Healthcare Corporation	
17 Montgomery, Alabama 36104		17	
18 Phone: (334) 269-2343		18	
19 john.tomlinson@beasleyallen.com		19	
20 Representing The State of Alabama		20	
21		21	
22 (CONTINUED)		22 TELEPHONIC APPEARANCES (Continued):	
	Page 426		Page 428
1 TELEPHONIC APPEARANCES (Continued):		1 TELEPHONIC APPEARANCES (Continued):	
2 HAYNSWORTH, SINKLER, BOYD, P.A.		2 DAVIS, POLK & WARDELL	
3 BY: SARAH P. SPRUILL, ESQUIRE		3 BY: CATHERINE LIFESO, ESQUIRE	
4 1201 Main Street, 22nd Floor		4 450 Lexington Avenue	
5 Columbia, South Carolina 29201		5 New York, New York 10017	
6 Phone: (803) 540-7854		6 Phone: (212) 450-4452	
7 sspruill@hsblawfirm.com		7 catherine.lifeso@dpw.com	
8 Representing Abbott Labs.		8 Representing AstraZeneca	
9		9 Pharmaceuticals, LP	
10 KEMPEL, HUFFMAN & ELLIS, P.C.		10	
11 BY: JASON GIST, ESQUIRE		11 HOGAN & HARTSON, LLP	
12 255 E. Fireweed Lane, Suite 200		12 BY: JESSICA P. FEINGOLD, ESQUIRE	
13 Anchorage, Alaska 99503		13 875 Third Avenue	
14 Phone: 277-1604		14 New York, New York 10022	
15 jmg@khe.com		15 Phone: (212) 918-3636	
16 Representing Schering and Warrick in		16 jpfeingold@hhlaw.com	
17 the Alaska AWP Litigation		17 Representing Bristol-Myers Squibb Company	
18		18	
19		19	
20		20	
21		21	
22 TELEPHONIC APPEARANCES (Continued):		22 TELEPHONIC APPEARANCES (Continued):	

5 (Pages 425 to 428)

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April 18, 2007

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	Page 429		Page 431
	PAGE		PAGE
1	TELEPHONIC APPEARANCES (Continued):		1 EXHIBITS (Continued):
2	STATE OF FLORIDA		2 E X H I B I T S
3	OFFICE OF THE ATTORNEY GENERAL		3 NUMBER DESCRIPTION PAGE
4	MEDICAID FRAUD CONTROL UNIT		4
5	BY: JAIME LIANG, AAG		5 Exhibit Abbott 093 HHD009-0119 - 0120 *
6	PL-01 The Capitol		6 Exhibit Abbott 094 "Medicare Reimbursement
7	Tallahassee, Florida 32399-1050		7 of Prescription Drugs"
8	Phone: (850) 414-3600		8 January 2001 598
9	jaime_liang@myfloridalegal.com		9 Exhibit Abbott 095 "Medicaid's Use of Revised
10	Representing The State of Florida		10 Average Wholesale Prices"
11			11 September 2001 *
12			12 Exhibit Abbott 096 HHD009-1200 -1206 572
13			13 Exhibit Abbott 097 "Medicaid Drug Price
14			14 Comparison: Average Sales
15			15 Price to Average Wholesale
16			16 Price" - June 2005 612
17			17 Exhibit Abbott 098 "How Inflated Published
18			18 Prices Affect Drugs
19			19 Considered for the Federal
20			20 Upper Limit List"
21			21 September 2005 612
22			22
		Page 430	
1	I N D E X		1 EXHIBITS (Continued):
2	---		2 E X H I B I T S
3			3 NUMBER DESCRIPTION PAGE
4	LINDA RAGONE, VOLUME II		4
5	EXAMINATION	PAGE	5 Exhibit Abbott 099 "The Impact of High-Priced
6	BY MR. COOK	438	6 Generic Drugs on Medicare
7	BY MR. MERKL	649	7 and Medicaid" - July 1998 612
8	BY MR. GORTNER	774	8 Exhibit Abbott 100 "Physicians' Costs for
9	BY MR. MCDONALD	826	9 Chemotherapy Drugs"
10	BY MS. FEINGOLD	833	10 November 1992 612
11			11 Exhibit Abbott 101 "Comparing Drug
12			12 Reimbursement: Medicare
13			13 and Department of Veterans
14	---		14 Affairs" - November 1998 612
15	E X H I B I T S		15 Exhibit Abbott 102 "Appropriateness of
16	NUMBER DESCRIPTION PAGE		16 Medicare Prescription Drug
17	Exhibit Abbott 088 Compilation of Additional		17 Allowances" - May 1996 612
18	Cross-Notices 436		18 Exhibit Abbott 103 "Payments for Enteral
19	Exhibit Abbott 089 HHD013-1150 - 1155 521		19 Nutrition: Medicare and
20	Exhibit Abbott 090 HHD013-0004 - 0005 530		20 Other Payers" - May 1996 612
21	Exhibit Abbott 091 HHD009-0436 - 0439 554		21
22	Exhibit Abbott 092 HHD013-2770 565		22

6 (Pages 429 to 432)

EXHIBIT H-4

Scully, Thomas A.

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Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - - - - - - - - - - - -x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris
9 the Florida Keys, Inc. :
10 v. :
11 Abbott Laboratories, Inc., : Chief Magistrate
12 No. 06-CV-11337-PBS : Judge Marianne B.

13 - - - - - - - - - - - - - - -x Bowler

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Scully, Thomas A.

May 15, 2007

Washington, DC

Page 2

1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 -----X
 4 STATE OF ALABAMA, :
 5 Plaintiff, :
 6 vs. : Case No.: CV-05-219
 7 ABBOTT LABORATORIES, INC., : Judge Charles Price
 8 et al. :
 9 Defendants. :
 10 -----X
 11
 12 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 13 -----X
 14 STATE OF WISCONSIN, : CASE NO.
 15 Plaintiff, : 04-CV-1709
 16 v. :
 17 AMGEN INC., et al., :
 18 Defendants. :
 19 -----X
 20
 21
 22

Page 4

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 WARRICK PHARMACEUTICALS : 2006-CP-40-4390
 11 CORPORATION, et al. : 2006-CP-40-4399
 12 Defendants. :
 13 -----X
 14 STATE OF SOUTH CAROLINA, and : STATE OF
 15 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 16 capacity as Attorney General for : COUNTY OF
 17 the State of South Carolina, : RICHLAND
 18 Plaintiff, :
 19 v. : CASE NO.
 20 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
 21 Defendant. :
 22 -----X

Page 3

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----X
 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.
 5 Plaintiff, : 03-CV-11865-PBS
 6 v. :
 7 MYLAN LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 SUPERIOR COURT OF NEW JERSEY
 12 UNION COUNTY
 13 -----X
 14 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION
 15 behalf of itself and all others : DOCKET NO.
 16 similarly situated, as defined : UNN-L-2329-04
 17 herein, :
 18 Plaintiffs, :
 19 v. :
 20 DEY, INC., et al. :
 21 Defendants. :
 22 -----X

Page 5

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 PAR PHARMACEUTICALS COMPANIES, : 2006-CP-40-7151
 11 INC., : 2006-CP-40-7153
 12 Defendant. :
 13 -----X
 14 STATE OF SOUTH CAROLINA, and : STATE OF
 15 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 16 capacity as Attorney General for : COUNTY OF
 17 the State of South Carolina, : RICHLAND
 18 Plaintiff, :
 19 v. : CIVIL ACTION NO.
 20 MYLAN LABORATORIES INC., : 2007-CP-40-0282
 21 Defendant. : 2007-CP-40-0283
 22 -----X

2 (Pages 2 to 5)

Scully, Thomas A.

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Page 6

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----X
 4 STATE OF SOUTH CAROLINA, and : STATE OF
 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA
 6 capacity as Attorney General for : COUNTY OF
 7 the State of South Carolina, : RICHLAND
 8 Plaintiff, :
 9 v. : CIVIL ACTION NO.
 10 BARR PHARMACEUTICALS, INC. : 2007-CP-40-0280
 11 Defendant. : 2007-CP-40-0286
 12 -----X
 13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 14 STATE OF HAWAII
 15 -----X
 16 STATE OF HAWAII, : CASE NO.
 17 Plaintiff, : 06-1-0720-04 EEH
 18 v. :
 19 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
 20 Defendants. : ELIZABETH HIFO
 21 -----X
 22

Page 8

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3 -----X
 4 STATE OF MISSOURI, ex rel, :
 5 JEREMIAH W. (JAY) NIXON, :
 6 Attorney General, :
 7 and :
 8 MISSOURI DEPARTMENT OF SOCIAL :
 9 SERVICES, DIVISION OF MEDICAL : Case No.
 10 SERVICES, : 054-1216
 11 Plaintiffs, : Division No. 31
 12 vs. :
 13 DEY INC., DEY, L.P., MERCK KGaA, :
 14 EMD, INC., WARRICK :
 15 PHARMACEUTICALS CORPORATION, :
 16 SCHERING-PLOUGH CORPORATION, and :
 17 SCHERING CORPORATION, :
 18 Defendants. :
 19 -----X
 20
 21
 22

Page 7

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3 THE STATE OF FLORIDA
 4 ex rel.
 5 -----X
 6 VEN-A-CARE OF THE FLORIDA :
 7 KEYS, INC., a Florida :
 8 Corporation, by and through its :
 9 principal officers and directors, :
 10 ZACHARY T. BENTLEY and :
 11 T. MARK JONES, :
 12 Plaintiffs, :
 13 vs. : Civil Action
 14 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G
 15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William
 16 LTD., SCHEIN PHARMACEUTICAL, INC.; L. Gary
 17 TEVA PHARMACEUTICAL INDUSTRIES :
 18 LTD., TEVA PHARMACEUTICAL USA; :
 19 and WATSON PHARMACEUTICALS, INC., :
 20 Defendants. :
 21 -----X
 22

Page 9

1 COMMONWEALTH OF KENTUCKY
 2 FRANKLIN CIRCUIT COURT - DIV. II
 3 -----X
 4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.
 5 Plaintiff, : 03-CI-1134
 6 v. :
 7 ABBOTT LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 COMMONWEALTH OF KENTUCKY
 12 FRANKLIN CIRCUIT COURT - DIV. I
 13 -----X
 14 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.
 15 GREGORY D. STUMBO, Attorney General: 04-CI-1487
 16 Plaintiff, :
 17 v. :
 18 ALPHAPHARMA, INC., et al. :
 19 Defendants. :
 20 -----X
 21 Washington, D.C.
 22 Tuesday, May 15, 2007

3 (Pages 6 to 9)

Scully, Thomas A.

Washington, DC

May 15, 2007

<p>1 Videotaped Deposition of THOMAS A. 2 SCULLY, a witness herein, called for examination by 3 counsel for Abbott Laboratories in the above-entitled 4 matter, pursuant to subpoena, the witness being duly 5 sworn by SUSAN L. CIMINELLI, a Notary Public in and 6 for the District of Columbia, taken at the offices of 7 Jones Day, 51 Louisiana Avenue, Northwest, 8 Washington, D.C., at 8:49 a.m. on Tuesday, May 15, 9 2007, and the proceedings being taken down by 10 Stenotype by SUSAN L. CIMINELLI, CRR, RPR, and 11 transcribed under her direction. 12 13 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 10</p> <p>1 APPEARANCES (continued): 2 3 On behalf of the U.S. Department of 4 Health and Human Services: 5 TROY A. BARSKY, ESQ. 6 U.S. Department of Health and Human Services 7 CMS Division 8 C2-05-23 9 7500 Security Boulevard 10 Baltimore, MD 21244-1850 11 (410) 786-8873 12 troy.barsky@hhs.gov 13 14 On behalf of the State of California: 15 NICHOLAS N. PAUL, ESQ. 16 Supervising Deputy Attorney General 17 Civil Prosecutions Unit 18 P.O. Box 85266 19 110 West A Street, #1100 20 San Diego, CA 82186 21 (619) 688-6099 22 nicholas.paul@doj.ca.gov</p>
<p>1 APPEARANCES: 2 3 On behalf of the United States of America: 4 GEJAA T. GOBENA, ESQ. 5 JOHN K. NEAL, ESQ. 6 ANDREW MAO, ESQ. 7 U.S. Department of Justice 8 Civil Division 9 601 D Street, Northwest 10 PHB - 9028/P.O. Box 261 11 Washington, D.C. 20044 12 Gejaa.Gobena@usdoj.gov 13 (202) 307-1088 14 15 16 17 18 19 20 21 22</p>	<p style="text-align: right;">Page 11</p> <p>1 APPEARANCES (continued): 2 3 On behalf of the State of Alabama: 4 ROGER BATES, ESQ. 5 Hand Arendall, L.L.C. 6 1200 Park Place Tower 7 2001 Park Place North 8 Birmingham, AL 35203 9 (205) 502-0105 10 Rbates@handarendall.com 11 12 On behalf of the State of Florida: 13 MARY S. MILLER, ESQ. 14 Office of the Attorney General of Florida 15 PL-01, The Capitol 16 Tallahassee, FL 32399-1050 17 (850) 414-3600 18 Mary_Miller@oag.state.fl.us 19 20 21 22</p>

4 (Pages 10 to 13)

Scully, Thomas A.

Washington, DC

May 15, 2007

	Page 14		Page 16
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On behalf of Ven-a-Care of the Florida Keys, Inc.: JAMES JOSEPH BREEN, ESQ.	3	CHRISTOPHER COOK, ESQ. HILARY A. RAMSEY, ESQ.
4	The Breen Law Firm 5755 North Point Parkway Suite 39 Alpharetta, Georgia 30022 jbreen@breenlaw.com (770) 740-0008	4	Jones Day 51 Louisiana Avenue, Northwest Washington, D.C. 20001 christophercook@jonesday.com haramsey@jonesday.com (202) 879-3939
5		5	
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12	On behalf of the MDL Plaintiffs: JENNIFER FOUNTAIN CONNOLLY, ESQ. Wexler Toriseva Wallace One North LaSalle Street Suite 2000 Chicago, Illinois 60602 jfc@wtwlaw.us (312) 261-6195	12	On behalf of Sandoz, Inc.: (Via telephone) PHILIP SINENENG, ESQ. White & Case LLP 1155 Avenue of the Americas New York, New York 10036-2787 psineneng@whitecase.com (212) 819-8254
13		13	
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	Page 15		Page 17
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On behalf of Schering-Plough Corporation and Schering Corporation and Warrick Pharmaceuticals Corporation: JOHN P. McDONALD, ESQ. Locke Liddell & Sapp 2200 Ross Avenue, Suite 2200 Dallas, Texas 75201 Jpmcdonald@lockeliddell.com (214) 740-8725	3	On behalf of AstraZeneca Pharmaceuticals LP: SCOTT WEISS, ESQ. CATHERINE LIFESO, ESQ. (Via telephone) Davis Polk & Wardwell 450 Lexington Avenue New York, New York 10017 scott.wise@dpw.com (212) 450-4452
4		4	
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12		12	On behalf of Johnson & Johnson: ERIK HAAS, ESQ. Patterson Belknap Webb & Tyler LLP 1133 Avenue of the Americas New York, New York 10036-6710 ehaas@pbwt.com (212) 336-2117
13	On behalf of Abbott Laboratories: JAMES R. DALY, ESQ. Jones Day 77 West Wacker Chicago, IL 60601-1692 JRDALY@JONESDAY.COM (312) 269-4141 - and -	13	
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5 (Pages 14 to 17)

Scully, Thomas A.

Washington, DC

May 15, 2007

	Page 18		Page 20
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On behalf of the State of Wisconsin: (Via telephone)	3	On behalf of Par Pharmaceuticals:
4	CHARLES BARNHILL, ESQ.	4	PAUL K. DUEFFERT, ESQ.
5	Miner, Barnhill & Galland	5	Williams & Connolly LLP
6	44 East Martin St.	6	725 Twelfth Street, Northwest
7	Suite 803	7	Washington, D.C. 20005
8	Madison, WI	8	(202) 434-5097
9	(608) 255-3200	9	
10		10	On behalf of Aventis Pharmaceuticals:
11	On behalf of Schering and Warrick: (Via telephone)	11	JENNIFER H. McGEE, ESQ.
12	JOBE G. DANGANAN, ESQ.	12	Shook, Hardy & Bacon LLP
13	Ropes & Gray	13	Hamilton Square
14	One International Place	14	800 14th Street, Northwest, Suite 800
15	Boston, MA 02110-2624	15	Washington, D.C. 20005-2004
16	jobe.danganan@ropesgray.com	16	jmcgee@shb.com
17	(617) 951-7290	17	(202) 783-8400
18		18	
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	Page 19		Page 21
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On behalf of Bristol-Myers Squibb:	3	On behalf of Roxane Laboratories and Boehringer
4	THOMAS J. SWEENEY, III, ESQ.	4	Ingelheim:
5	Hogan & Hartson LLP	5	ERIC GORTNER, ESQ.
6	875 Third Avenue	6	Kirkland & Ellis LLP
7	New York, New York 10022	7	200 East Randolph Drive
8	jyoung@hhlaw.com	8	Chicago, Illinois 60601
9	(212) 918-3528	9	egortner@kirkland.com
10		10	(312) 861-2286
11	On behalf of Dey, Inc. and Dey, L.P. and Mylan:	11	
12	WILLIAM A. ESCOBAR, ESQ.	12	On behalf of GlaxoSmithKline:
13	Kelley Drye & Warren LLP	13	MARK H. LYNCH, ESQ.
14	101 Park Avenue	14	Covington & Burling LLP
15	New York, New York 10178	15	1201 Pennsylvania Avenue, Northwest
16	wescobar@kelleydrye.com	16	Washington, D.C. 20004-2401
17	(212) 808-7811	17	MLYNCH@COV.COM
18		18	(202) 662-5544
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6 (Pages 18 to 21)

Scully, Thomas A.

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May 15, 2007

	Page 22		Page 24
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2		2	
3	On Behalf of Amgen, Inc.: (Via telephone)	3	On behalf of The Commonwealth of Pennsylvania:
4	JENNIFER A. WALKER, ESQ.	4	(Via telephone)
5	JOSEPH YOUNG, ESQ.	5	MICHAEL LaRUSSO, ESQ.
6	Hogan & Hartson LLP	6	The Haviland Law Firm, LLC
7	111 South Calvert Street, Suite 1600	7	740 South Third Street, Third Floor
8	Baltimore, Maryland 21202	8	Philadelphia, PA 19147
9	jawalker@hhlaw.com	9	(215) 609-4661
10	(410) 659-2759	10	haviland@havilandlaw.com
11		11	
12	On behalf of Teva and Ivax:	12	ALSO PRESENT:
13	PATRICK M. BRYAN, ESQ.	13	Mike Hunterton, Videographer
14	Kirkland & Ellis LLP	14	Claire Norsetter
15	655 Fifteenth Street, N.W.	15	
16	Washington, D.C. 20005	16	
17	pbryan@kirkland.com	17	
18	(202) 879-5285	18	
19		19	
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22		22	
	Page 23		Page 25
1	APPEARANCES (continued):	1	C O N T E N T S
2		2	THE WITNESS:
3	On behalf of Merck:	3	THOMAS A. SCULLY
4	JAMES A. GRAFFAM, ESQ.	4	
5	Hughes Hubbard	5	By Mr. Daly .....27
6	1775 I Street, N.W.	6	
7	Washington, D.C. 20006-2401	7	
8	graffam@hugheshubbard.com	8	
9	(202) 721-4677	9	
10		10	
11	On behalf of GlaxoSmithKline: (Via telephone)	11	
12	MICHAEL NEWMAN, ESQ.	12	
13	Dechert LLP	13	
14	Cira Centre	14	
15	2929 Arch Street	15	
16	Philadelphia, PA 19104-2808	16	
17	(215) 994-4000	17	
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7 (Pages 22 to 25)

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Page 443

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - - - - - - - - - - - -x

4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO : U.S. ex rel.
8 Ven-a-Care of The Florida : Judge Patti B. Saris
9 Keys, Inc. :
10 v. :
11 Abbott Laboratories, Inc., : Chief Magistrate
12 No. 06-CV-11337-PBS : Judge Marianne B.
13 - - - - - - - - - - - - - - -x Bowler

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16 THOMAS A. SCULLY - VOLUME II

17 JULY 13, 2007

18 WASHINGTON, DC

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22 (CAPTION CONTINUED)

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	Page 444		Page 446
1	IN THE CIRCUIT COURT OF	1	IN THE COURT OF COMMON PLEAS
2	MONTGOMERY COUNTY, ALABAMA	2	FIFTH JUDICIAL CIRCUIT
3	-----x	3	-----x
4	STATE OF ALABAMA, : STATE OF	4	STATE OF SOUTH CAROLINA, and : STATE OF
5	Plaintiff, : HENRY D. McMASTER, in his official : SOUTH CAROLINA	5	Capacity as Attorney General for : COUNTY OF
6	v. : Case No.: CV-05-219	6	The State of South Carolina, : RICHLAND
7	ABBOTT LABORATORIES, INC., : Judge Charles Price	7	Plaintiff, :
8	Et al. :	8	v. : CIVIL ACTION NO.
9	Defendants. :	9	WARRICK PHARMACEUTICALS : 2006-CP-40-4390
10	-----x	10	CORPORATION, et al. : 2006-CP-40-4399
11	STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY	11	Defendants. :
12	-----x	12	-----x
13	STATE OF WISCONSIN, : CASE NO.	13	STATE OF SOUTH CAROLINA, and : STATE OF
14	Plaintiff, : 04-CV-1709	14	HENRY D. McMASTER, in his official : SOUTH CAROLINA
15	v. :	15	Capacity as Attorney General for : COUNTY OF
16	AMGEN INC., et al., : The State of South Carolina, : RICHLAND	16	Defendants. :
17	Defendants. :	17	Plaintiff, :
18	-----x	18	v. : CASE NO.
19		19	ABBOTT LABORATORIES, INC., : 2006-CP-40-4394
20		20	Defendant. :
21		21	-----x
22		22	
	Page 445		Page 447
1	UNITED STATES DISTRICT COURT	1	IN THE COURT OF COMMON PLEAS
2	DISTRICT OF MASSACHUSETTS	2	FIFTH JUDICIAL CIRCUIT
3	-----x	3	-----x
4	THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.	4	STATE OF SOUTH CAROLINA, and : STATE OF
5	Plaintiff, : 03-CV-11865-PBS	5	HENRY D. McMASTER, in his official : SOUTH CAROLINA
6	v. :	6	Capacity as Attorney General for : COUNTY OF
7	MYLAN LABORATORIES, INC., et al. : The State of South Carolina, : RICHLAND	7	Defendants. :
8	Defendants. :	8	Plaintiff, :
9	-----x	9	v. : CIVIL ACTION NO.
10	SUPERIOR COURT OF NEW JERSEY	10	PAR PHARMACEUTICALS COMPANIES, : 2006-CP-40-7151
11	UNION COUNTY	11	INC., : 2006-CP-40-7153
12	-----x	12	Defendant. :
13	CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION	13	-----x
14	Behalf of itself and all others : DOCKET NO.	14	STATE OF SOUTH CAROLINA, and : STATE OF
15	Similarly situated, as defined : UNN-L-2329-04	15	HENRY D. McMASTER, in his official : SOUTH CAROLINA
16	Herein, :	16	Capacity as Attorney General for : COUNTY OF
17	Plaintiffs, :	17	The State of South Carolina, : RICHLAND
18	v. :	18	Plaintiff, :
19	DEY, INC., et al. :	19	v. : CIVIL ACTION NO.
20	Defendants. :	20	MYLAN LABORATORIES INC., : 2007-CP-40-0282
21	-----x	21	Defendant. : 2007-CP-40-0283
22		22	-----x

2 (Pages 444 to 447)

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<p style="text-align: right;">Page 448</p> <p>1 IN THE COURT OF COMMON PLEAS 2 FIFTH JUDICIAL CIRCUIT 3 -----x 4 STATE OF SOUTH CAROLINA, and : STATE OF 5 HENRY D. McMASTER, in his official : SOUTH CAROLINA 6 Capacity as Attorney General for : COUNTY OF 7 The State of South Carolina, : RICHLAND 8 Plaintiff, : 9 v. : CIVIL ACTION NO. 10 BARR PHARMACEUTICALS, INC., : 2007-CP-40-0280 11 Defendant. : 2007-CP-40-0286 12 -----x 13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT 14 STATE OF HAWAII 15 -----x 16 STATE OF HAWAII, : CASE NO. 17 Plaintiff, : 06-1-0720-04 EEH 18 v. : 19 ABBOTT LABORATORIES, INC., et al., : JUDGE EDEN 20 Defendants. : ELIZABETH HIFO 21 -----x 22</p>	<p style="text-align: right;">Page 450</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS 2 STATE OF MISSOURI 3 -----x 4 STATE OF MISSOURI, ex rel, : 5 JEREMIAH W. (JAY) NIXON, : 6 Attorney General, : 7 and : 8 MISSOURI DEPARTMENT OF SOCIAL : 9 SERVICES, DIVISION OF MEDICAL : Case No. 10 SERVICES, : 054-1216 11 Plaintiffs, : Division No. 31 12 v. : 13 DEY INC., DEY, L.P., MERCK KGaA, : 14 EMD, INC., WARRICK : 15 PHARMACEUTICALS CORPORATION, : 16 SCHERING-PLough CORPORATION, and : 17 SCHERING CORPORATION, : 18 Defendants. : 19 -----x 20 21 22</p>
<p style="text-align: right;">Page 449</p> <p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT 2 IN AND FOR LEON COUNTY, FLORIDA 3 THE STATE OF FLORIDA 4 Ex rel. 5 -----x 6 VEN-A-CARE OF THE FLORIDA : 7 KEYS, INC., a Florida : 8 Corporation, by and through its : 9 Principal officers and directors, : 10 ZACHARY T. BENTLEY and : 11 T. MARK JONES, : 12 Plaintiffs, : 13 v. : Civil Action 14 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G 15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William 16 LTD., SCHEIN PHARMACEUTICAL, INC.; : L. Gary 17 TEVA PHARMACEUTICAL INDUSTRIES : 18 LTD., TEVA PHARMACEUTICAL USA; : 19 And WATSON PHARMACEUTICALS, INC., : 20 Defendants. : 21 -----x 22</p>	<p style="text-align: right;">Page 451</p> <p>1 COMMONWEALTH OF KENTUCKY 2 FRANKLIN CIRCUIT COURT - DIV. II 3 -----x 4 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO. 5 Plaintiff, : 03-CI-1134 6 v. : 7 ABBOTT LABORATORIES, INC., et al., : 8 Defendants. : 9 -----x 10 COMMONWEALTH OF KENTUCKY 11 FRANKLIN CIRCUIT COURT - DIV. I 12 -----x 13 COMMONWEALTH OF KENTUCKY, ex rel., : CIVIL ACTION NO. 14 GREGORY D. STUMBO, Attorney General: 04-CI-1487 15 Plaintiff, : 16 v. : 17 ALPHAPHARMA, INC., et al., : 18 Defendants. : 19 -----x 20 21 22</p>

3 (Pages 448 to 451)

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	Page 456		Page 458
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2	On behalf of the MDL Plaintiffs:	2	On behalf of Johnson & Johnson:
3	JENNIFER FOUNTAIN CONNOLLY, ESQ.	3	ERIK HAAS, ESQ.
4	Wexler Toriseva Wallace	4	Patterson Belknap Webb & Tyler LLP
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7	Jfc@wtwlaw.us	7	Ehaas@pbwt.com
8	(312) 261-6195	8	(212) 336-2117
9		9	
10	On behalf of Schering-Plough Corporation and	10	On behalf of Schering and Warrick:
11	Schering Corporation and Warrick Pharmaceuticals	11	(Via telephone)
12	Corporation:	12	JOBE G. DANGANAN, ESQ.
13	JOHN P. McDONALD, ESQ.	13	Ropes & Gray
14	Locke Liddell & Sapp	14	One International Place
15	2200 Ross Avenue, Suite 2200	15	Boston, MA 02110-2624
16	Dallas, Texas 75201	16	Jobe.danganan@ropesgray.com
17	Jpmcdonald@lockeliddell.com	17	(617) 951-7290
18	(214) 740-8725	18	
19		19	
20		20	
21		21	
22	(continued)	22	(continued)
	Page 457		Page 459
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2	On behalf of Abbott Laboratories:	2	On behalf of Amgen:
3	CHRISTOPHER COOK, ESQ.	3	(Via Telephone)
4	HILARY A. RAMSEY, ESQ.	4	Steve Barley, ESQ.
5	Jones Day	5	Hogan & Hartson LLP
6	51 Louisiana Avenue, Northwest	6	875 Third Avenue
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8	Christophercook@jonesday.com	8	Jyoung@hhllaw.com
9	Haramsey@jonesday.com	9	(212) 918-3528
10	(202) 879-3939	10	
11		11	On behalf of Dey, Inc. And Dey, L.P. and Mylan:
12	On behalf of Sandoz, Inc.: (Via telephone)	12	WILLIAM A. ESCOBAR, ESQ.
13	PHILIP SINENENG, ESQ.	13	Kelley Drye & Warren LLP
14	White & Case LLP	14	101 Park Avenue
15	1155 Avenue of the Americas	15	New York, New York 10178
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17	Psineneng@whitecase.com	17	(212) 808-7811
18	(212) 819-8254	18	
19		19	
20		20	
21		21	
22	(continued)	22	(continued)

5 (Pages 456 to 459)

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	Page 460		Page 462
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2	On behalf of Roxane Laboratories and	2	On behalf of Bristol-Myers
3	Boehringer Ingelheim:	3	Squibb Company:
4	ERIC GORTNER, ESQ.	4	STEVEN EDWARDS, ESQUIRE
5	Kirkland & Ellis LLP	5	HOA HOANG, ESQUIRE
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7	Chicago, Illinois 60601	7	875 Third Avenue
8	Egortner@kirkland.com	8	New York, New York 10022
9	(312) 861-2286	9	Smedwards@hhlaw.com
10		10	Htthoang@hhlaw.com
11	On Behalf of Amgen, Inc.: (Via telephone)	11	(212) 918-3640
12	JENNIFER A. WALKER, ESQ.	12	
13	JOSEPH YOUNG, ESQ.	13	On behalf of Merck:
14	Hogan & Hartson LLP	14	JAMES A. GRAFFAM, ESQ. (Via Telephone)
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18	(410) 659-2759	18	Graffam@hugheshubbard.com
19		19	(202) 721-4677
20		20	
21		21	
22	(continued)	22	(continued)
	Page 461		Page 463
1	APPEARANCES (continued):	1	APPEARANCES (continued):
2	On behalf of Teva and Ivax:	2	On behalf of AstraZeneca Pharmaceuticals LP:
3	PATRICK M. BRYAN, ESQ.	3	SCOTT WEISS, ESQ.
4	Kirkland & Ellis LLP	4	CATHERINE LIFESO, ESQ. (Via telephone)
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7	Pbryan@kirkland.com	7	New York, New York 10017
8	(202) 879-5285	8	Scott.wise@dpw.com
9		9	(212) 450-4452
10	On Behalf of TAP Pharmaceutical	10	
11	Products, Inc.:	11	
12	(Via Telephone)	12	
13	SHANNON LAHEY, ESQUIRE	13	ALSO PRESENT: Mike Hunterton, Videographer
14	GOODWIN, PROCTER	14	
15	Exchange Place	15	
16	Boston, Massachusetts 02109	16	
17	Slahey@goodwinprocter.com	17	
18	(617) 570-1000	18	
19		19	
20		20	
21		21	
22	(continued)	22	

6 (Pages 460 to 463)

EXHIBIT H-5

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Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 -----X MDL NO. 1456
4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:
5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS
6 -----X
7 THIS DOCUMENT RELATES TO: :
8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:
9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS
10 Laboratories, Inc. :
11 -----X
12
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 -----X
16 STATE OF ALABAMA, : CASE NO.
17 Plaintiff, : CV-05-219
18 v. :
19 ABBOTT LABORATORIES, INC., : JUDGE
20 et al., : CHARLES PRICE
21 Defendants. :
22 -----X

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Page 2

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----X
 4 THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.
 5 Plaintiff, : 03-CV-11865-PBS
 6 v. :
 7 MYLAN LABORATORIES, INC., et al. :
 8 Defendants. :
 9 -----X
 10
 11 SUPERIOR COURT OF NEW JERSEY
 12 UNION COUNTY
 13 -----X
 14 CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION
 15 behalf of itself and all others : DOCKET NO.
 16 similarly situated, as defined : UNN-L-2329-04
 17 herein, :
 18 Plaintiffs, :
 19 v. :
 20 DEY, INC., et al. :
 21 Defendants. :
 22 -----X

Page 4

1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 2 STATE OF HAWAII
 3 -----X
 4 STATE OF HAWAII, : CASE NO.
 5 Plaintiff, : 06-1-0720-04 EEH
 6 v. :
 7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
 8 Defendants. : ELIZABETH HIFO
 9 -----X
 10
 11 COMMONWEALTH OF KENTUCKY
 12 FRANKLIN CIRCUIT COURT - DIV. II
 13 -----X
 14 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.
 15 Plaintiff, : 03-CI-1134
 16 v. :
 17 ABBOTT LABORATORIES, INC., et al. :
 18 Defendants. :
 19 -----X
 20
 21
 22

Page 3

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
 2 -----X
 3 STATE OF WISCONSIN, : CASE NO.
 4 Plaintiff, : 04-CV-1709
 5 v. :
 6 AMGEN INC., et al., :
 7 Defendants. :
 8 -----X
 9
 10 IN THE COURT OF COMMON PLEAS
 11 FIFTH JUDICIAL CIRCUIT
 12 -----X
 13 STATE OF SOUTH CAROLINA, and : STATE OF
 14 HENRY D. McMaster, in his official : SOUTH CAROLINA
 15 capacity as Attorney General for : COUNTY OF
 16 the State of South Carolina, : RICHLAND
 17 Plaintiff, :
 18 v. : CASE NO.
 19 ABBOTT LABORATORIES, INC. : 2006-CP-40-4394
 20 Defendant. :
 21 -----X
 22

Page 5

1 COMMONWEALTH OF KENTUCKY
 2 FRANKLIN CIRCUIT COURT - DIV. I
 3 -----X
 4 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.
 5 GREGORY D. STUMBO, Attorney General: 03-CI-1487
 6 Plaintiff, :
 7 v. :
 8 ALPHAPHARMA, INC., et al. :
 9 Defendants. :
 10 -----X
 11 - - -
 12 Videotaped deposition of DAVID
 13 TAWES was taken, pursuant to notice, at MORGAN
 14 LEWIS & BOCKIUS, LLP, 1701 Market Street,
 15 Philadelphia, Pennsylvania, on Tuesday, April
 16 24, 2007, beginning at 8:45 a.m., before M.
 17 Kathleen Muino, Professional Shorthand
 18 Reporter, Notary Public; Richard Kanzinger,
 19 Jr., Videographer, there being present:
 20
 21
 22

2 (Pages 2 to 5)

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Page 6

1 APPEARANCES:
 2
 3 UNITED STATES DEPARTMENT OF JUSTICE
 4 CIVIL DIVISION
 5 BY: JOHN K. NEAL, ESQUIRE
 6 601 D Street, N.W.
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 8 Phone: (202) 307-0405
 9 John.Neal2@usdog.gov
 10 Representing the United States
 11
 12 U.S. DEPARTMENT OF JUSTICE
 13 CIVIL DIVISION
 14 BY: JUSTIN DRAYCOTT, ESQUIRE
 15 P.O. Box 261
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 20 Representing the United States
 21
 22

Page 8

1 APPEARANCES (Continued):
 2
 3 BERGER & MONTAGUE, P.C.
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 5 1622 Locust Street
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 8 rpollack@bm.net
 9 Representing Ven-A-Care
 10
 11 WEXLER, TORISEVA & WALLACE, LLP
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 13 One North LaSalle Street
 14 Suite 2000
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 18 Representing the MDL Plaintiffs
 19
 20
 21
 22

Page 7

1 APPEARANCES (Continued):
 2
 3 U.S. DEPARTMENT OF HEALTH & HUMAN
 4 SERVICES
 5 Office of Inspector General
 6 Office of Counsel to the Inspector
 7 General
 8 Administrative and Civil Remedies
 9 Branch
 10 BY: MARY RIORDAN, ESQUIRE
 11 Room 5527, Cohen Building
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 15 Mary.Riordan@oig.hhs.gov
 16 Representing the United States
 17
 18
 19
 20
 21
 22

Page 9

1 APPEARANCES (Continued):
 2 STATE OF CALIFORNIA DEPARTMENT
 3 OF JUSTICE
 4 BUREAU OF MEDI-CAL FRAUD & ELDER ABUSE
 5 BY: NICHOLAS N. PAUL, DEPUTY
 6 ATTORNEY GENERAL
 7 CIVIL PROSECUTIONS UNIT
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 10 San Diego, California 92186
 11 nicholas.paul@doj.ca.gov
 12 Representing The State of California
 13
 14 THE HAVILAND LAW FIRM, LLC
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 18 Philadelphia, Pennsylvania 19147
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 20 haviland@havilandlaw.com
 21 Representing the Commonwealth of
 22 Pennsylvania

3 (Pages 6 to 9)

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	Page 10		Page 12
1 APPEARANCES (Continued):		1 APPEARANCES (Continued):	
2		2	
3 WINGET-HERNANDEZ, LLC		3 KIRKLAND & ELLIS, LLP	
4 BY: MICHAEL WINGET-HERNANDEZ, ESQUIRE		4 BY: ERIC GORTNER, ESQUIRE	
5 3112 Windsor Road, No. 228		5 200 East Randolph Drive	
6 Austin, Texas 78703		6 Chicago, Illinois 60601	
7 Phone: (512) 474-4095		7 Phone: (312) 861-2285	
8 michael@winget-hernandez.com		8 egortner@kirkland.com	
9 Representing New York Counties (KMS),		9 Representing Roxane Laboratories and	
10 The State of Wisconsin, The State of		10 Boehringer Ingelheim	
11 Kentucky, The State of Hawaii		11	
12		12	
13 JONES DAY		13 LOCKE, LIDDELL & SAPP, LLP	
14 BY: DAVID S. TORBORG, ESQUIRE		14 BY: JOHN P. McDONALD, ESQUIRE	
15 51 Louisiana Avenue, N.W.		15 Suite 2200	
16 Washington, D.C. 20001-2113		16 2200 Ross Avenue	
17 Phone: (202) 879-5562		17 Dallas, Texas 75201-6776	
18 dstorborg@jonesday.com		18 jpmcdonald@lockeliddell.com	
19 Representing Abbott Laboratories, Inc.		19 Representing, Schering-Plough, Schering,	
20		20 and Warrick	
21		21	
22		22 (CONTINUED)	
	Page 11		Page 13
1 APPEARANCES (Continued):		1 TELEPHONIC APPEARANCES:	
2		2	
3 KELLEY, DRYE & WARREN, LLP		3 BEASLEY, ALLEN, CROW, METHVIN	
4 BY: SARAH L. REID, ESQUIRE		4 PORTIS & MILES, P.C.	
5 101 Park Avenue		5 BY: WILLIAM H. ROBERTSON, V, ESQUIRE	
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9 Representing the Dey Company		9 Phone: (334) 269-2343	
10		10 bill.robertson@beasleyallen.com	
11 WHITE & CASE, LLP		11 Representing The State of Alabama	
12 BY: PHILIP B. SINENENG, ESQUIRE		12	
13 1155 Avenue of the Americas		13 HAYNSWORTH, SINKLER, BOYD, P.A.	
14 New York, New York 10036-2787		14 BY: SARAH P. SPRUILL, ESQUIRE	
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17 Representing Sandoz		17 Phone: (803) 540-7854	
18		18 sspruill@hsblawfirm.com	
19		19 Representing Abbott Labs.	
20		20	
21		21	
22		22	

4 (Pages 10 to 13)

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	Page 14		Page 16
1	TELEPHONIC APPEARANCES (Continued):	1	TELEPHONIC APPEARANCES (Continued):
2		2	
3	KIRKLAND & ELLIS, LLP	3	OFFICE OF THE ATTORNEY GENERAL
4	BY: JUDSON D. BROWN, ESQUIRE	4	MEDICAID FRAUD CONTROL UNIT
5	655 Fifteenth Street, N.W.	5	BY: JAIME LIANG, AAG
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16	ReynoldsT@dicksteinshapiro.com	16	
17	Representing Baxter Healthcare	17	
18	Corporation	18	
19		19	
20		20	
21		21	
22		22	
	Page 15		Page 17
1	TELEPHONIC APPEARANCES (Continued):	1	I N D E X
2		2	- - -
3	DAVIS, POLK & WARDELL	3	
4	BY: CATHERINE LIFESO, ESQUIRE	4	DAVID TAWES
5	450 Lexington Avenue	5	EXAMINATION
6	New York, New York 10017	6	PAGE BY MR. TORBORG 24
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8	catherine.lifeso@dpw.com	8	
9	Representing AstraZeneca	9	- - -
10	Pharmaceuticals, LP	10	E X H I B I T S
11		11	- - -
12	HOGAN & HARTSON, LLP	12	NUMBER DESCRIPTION PAGE
13	BY: JESSICA P. FEINGOLD, ESQUIRE	13	Exhibit Abbott 121 "Cost Containment of
14	875 Third Avenue	14	Medicaid HIV/AIDS Drug
15	New York, New York 10022	15	Expenditures"
16	Phone: (212) 918-3636	16	July 2001 21
17	jpfeingold@hhlaw.com	17	
18	Representing Bristol-Myers Squibb	18	Exhibit Abbott 122 "Update: Excessive
19	Company	19	Medicare Reimbursement
20		20	for Ipratropium Bromide"
21		21	January 2004 21
22		22	(CONTINUED)

5 (Pages 14 to 17)

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Philadelphia, PA

Page 296

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 VOLUME II

4 -----X MDL NO. 1456

5 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:

6 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS

7 -----X

8 THIS DOCUMENT RELATES TO: :

9 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:

10 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS

11 Laboratories, Inc. :

12 -----X

13 IN THE CIRCUIT COURT OF

14 MONTGOMERY COUNTY, ALABAMA

15 -----X

16 STATE OF ALABAMA, : CASE NO.

17 Plaintiff, : CV-05-219

18 v. :

19 ABBOTT LABORATORIES, INC., : JUDGE

20 et al., : CHARLES PRICE

21 Defendants. :

22 -----X

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Philadelphia, PA

	Page 297		Page 299
1	UNITED STATES DISTRICT COURT		1 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
2	DISTRICT OF MASSACHUSETTS		2 STATE OF HAWAII
3	-----X		3 -----X
4	THE COMMONWEALTH OF MASSACHUSETTS : CIVIL ACTION NO.		4 STATE OF HAWAII, : CASE NO.
5	Plaintiff, : 03-CV-11865-PBS		5 Plaintiff, : 06-1-0720-04 EEH
6	v. :		6 v. :
7	MYLAN LABORATORIES, INC., et al. :		7 ABBOTT LABORATORIES, INC., et al. : JUDGE EDEN
8	Defendants. :		8 Defendants. : ELIZABETH HIFO
9	-----X		9 -----X
10			10
11	SUPERIOR COURT OF NEW JERSEY		11 COMMONWEALTH OF KENTUCKY
12	UNION COUNTY		12 FRANKLIN CIRCUIT COURT - DIV. II
13	-----X		13 -----X
14	CLIFFSIDE NURSING HOME, INC., on : LAW DIVISION		14 COMMONWEALTH OF KENTUCKY, : CIVIL ACTION NO.
15	behalf of itself and all others : DOCKET NO.		15 Plaintiff, : 03-CI-1134
16	similarly situated, as defined : UNN-L-2329-04		16 v. :
17	herein, :		17 ABBOTT LABORATORIES, INC., et al. :
18	Plaintiffs, :		18 Defendants. :
19	v. :		19 -----X
20	DEY, INC., et al. :		20
21	Defendants. :		21
22	-----X		22
	Page 298		Page 300
1	STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY		1 COMMONWEALTH OF KENTUCKY
2	-----X		2 FRANKLIN CIRCUIT COURT - DIV. I
3	STATE OF WISCONSIN, : CASE NO.		3 -----X
4	Plaintiff, : 04-CV-1709		4 COMMONWEALTH OF KENTUCKY, ex rel. : CIVIL ACTION NO.
5	v. :		5 GREGORY D. STUMBO, Attorney General: 03-CI-1487
6	AMGEN INC., et al., :		6 Plaintiff, :
7	Defendants. :		7 v. :
8	-----X		8 ALPHAPHARMA, INC., et al. :
9			9 Defendants. :
10	IN THE COURT OF COMMON PLEAS		10 -----X
11	FIFTH JUDICIAL CIRCUIT		11 - - -
12	-----X		12
13	STATE OF SOUTH CAROLINA, and : STATE OF		13 Continuation of the videotaped
14	HENRY D. McMASTER, in his official : SOUTH CAROLINA		14 deposition of DAVID TAWES was taken, pursuant
15	capacity as Attorney General for : COUNTY OF		15 to notice, at MORGAN LEWIS & BOCKIUS, LLP,
16	the State of South Carolina, : RICHLAND		16 1701 Market Street, Philadelphia,
17	Plaintiff, :		17 Pennsylvania, on Wednesday, April 25, 2007,
18	v. : CASE NO.		18 beginning at 8:09 a.m., before M. Kathleen
19	ABBOTT LABORATORIES, INC. : 2006-CP-40-4394		19 Muino, Professional Shorthand Reporter, Notary
20	Defendant. :		20 Public; Richard Kanzinger, Jr., Videographer,
21	-----X		21 there being present:
22			22

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	Page 301		Page 303
1 APPEARANCES:		1 APPEARANCES (Continued):	
2		2	
3 UNITED STATES DEPARTMENT OF JUSTICE		3 BERGER & MONTAGUE, P.C.	
4 CIVIL DIVISION		4 BY: ROSLYN G. POLLACK, ESQUIRE	
5 BY: JOHN K. NEAL, ESQUIRE		5 1622 Locust Street	
6 601 D Street, N.W.		6 Philadelphia, Pennsylvania 19103-6305	
7 Washington, D.C. 20004		7 Phone: (215) 875-3000	
8 Phone: (202) 307-0405		8 rpollack@bm.net	
9 John.Neal2@usdog.gov		9 Representing Ven-A-Care	
10 Representing the United States		10	
11		11 WEXLER, TORISEVA & WALLACE, LLP	
12 U.S. DEPARTMENT OF JUSTICE		12 BY: JENNIFER F. CONNOLLY, ESQUIRE	
13 CIVIL DIVISION		13 One North LaSalle Street, Suite 2000	
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	Page 302		Page 304
1 APPEARANCES (Continued):		1 APPEARANCES (Continued):	
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3 U.S. DEPARTMENT OF HEALTH & HUMAN		3 OF JUSTICE	
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22		Pennsylvania	

3 (Pages 301 to 304)

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April 25, 2007

Philadelphia, PA

	Page 305		Page 307
1	APPEARANCES (Continued):	1	APPEARANCES (Continued):
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11	Kentucky, The State of Hawaii	11	
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22		22	(CONTINUED)
	Page 306		Page 308
1	APPEARANCES (Continued):	1	TELEPHONIC APPEARANCES:
2		2	
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4 (Pages 305 to 308)

Tawes, David - Vol. II

April 25, 2007

Philadelphia, PA

	Page 309		Page 311
1	TELEPHONIC APPEARANCES (Continued):	1	TELEPHONIC APPEARANCES (Continued):
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20		20	
21		21	
22		22	
	Page 310		Page 312
1	TELEPHONIC APPEARANCES (Continued):	1	I N D E X
2		2	- - -
3	DAVIS, POLK & WARDELL	3	DAVID TAWES, VOLUME II
4	BY: CATHERINE LIFESO, ESQUIRE	4	EXAMINATION PAGE
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9	Representing AstraZeneca	9	E X H I B I T S
10	Pharmaceuticals, LP	10	- - -
11		11	NUMBER DESCRIPTION PAGE
12	HOGAN & HARTSON, LLP	12	Exhibit Abbott 133 HHC003-0375 - 0376 315
13	BY: JESSICA P. FEINGOLD, ESQUIRE	13	
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18	Representing Bristol-Myers Squibb	18	Exhibit Abbott 136 HHC001-0743 -0746 408
19	Company	19	
20		20	Exhibit Abbott 137 HHD006-0109 - 0111 412
21		21	
22		22	Exhibit Abbott 138 HHD006-0654 - 0674 433

5 (Pages 309 to 312)

EXHIBIT H-6

Vladeck, Ph.D., Bruce C.

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May 4, 2007

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 -----X MDL NO. 1456
4 IN RE: PHARMACEUTICAL INDUSTRY : CIVIL ACTION:
5 AVERAGE WHOLESALE PRICE LITIGATION : 01-CV-12257-PBS
6 -----X
7 THIS DOCUMENT RELATES TO: :
8 U.S. ex rel. Ven-A-Care of the : CIVIL ACTION:
9 Florida Keys, Inc. v. Abbott : 06-CV-11337-PBS
10 Laboratories, Inc. :
11 -----X
12
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 -----X
16 STATE OF ALABAMA, : CASE NO.
17 Plaintiff, : CV-05-219
18 v. :
19 ABBOTT LABORATORIES, INC., : JUDGE
20 et al., : CHARLES PRICE
21 Defendants. :
22 -----X

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

<p>1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY 2 -----X 3 STATE OF WISCONSIN, : CASE NO. 4 Plaintiff, : 04-CV-1709 5 v. : 6 AMGEN INC., et al., : 7 Defendants. : 8 -----X 9 10 IN THE COURT OF COMMON PLEAS 11 FIFTH JUDICIAL CIRCUIT 12 -----X 13 STATE OF SOUTH CAROLINA, and : STATE OF 14 HENRY D. McMASTER, in his official : SOUTH CAROLINA 15 capacity as Attorney General for : COUNTY OF 16 the State of South Carolina, : RICHLAND 17 Plaintiff, : 18 v. : CIVIL ACTION: 19 MYLAN LABORATORIES, INC. : 07-CP-40-0283 20 Defendant. : 21 -----X 22</p>	<p>Page 2</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS 2 STATE OF MISSOURI 3 -----X 4 STATE OF MISSOURI, ex rel., : 5 JEREMIAH W. (JAY) NIXON, : 6 Attorney General, : 7 and : 8 MISSOURI DEPARTMENT OF SOCIAL : 9 SERVICES, DIVISION OF MEDICAL : Case No.: 10 SERVICES, : 054-1216 11 Plaintiffs, : Division 12 : No. 31 13 vs. : 14 DEY INC., DEY, L.P., MERCK KGaA, : 15 EMD, INC., WARRICK : 16 PHARMACEUTICALS CORPORATION, : 17 SCHERING-PLOUGH CORPORATION, and : 18 SCHERING CORPORATION, : 19 Defendants. : 20 -----X 21 22</p>
<p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT 2 IN AND FOR LEON COUNTY, FLORIDA 3 THE STATE OF FLORIDA 4 ex rel. 5 -----X 6 VEN-A-CARE OF THE FLORIDA : 7 KEYS, INC., a Florida : 8 Corporation, by and through its : 9 principal officers and directors, : 10 ZACHARY T. BENTLEY and : 11 T. MARK JONES, : 12 Plaintiffs, : 13 vs. : Civil Action 14 MYLAN LABORATORIES, INC.; MYLAN : No. 98-3032G 15 PHARMACEUTICALS INC.; NOVOPHARM : Judge: 16 LTD., SCHEIN PHARMACEUTICAL, INC.; : William L. 17 TEVA PHARMACEUTICAL INDUSTRIES : Gary 18 LTD., TEVA PHARMACEUTICAL USA; : 19 and WATSON PHARMACEUTICALS, INC. : 20 Defendants. : 21 -----X 22</p>	<p>Page 3</p> <p>1 New York, New York 2 Friday, May 4, 2007 3 4 5 Videotaped Deposition of BRUCE C. 6 VLADECK, Ph.D., a witness herein, called for 7 examination by counsel for Abbott Laboratories in 8 the above-entitled matter, pursuant to Subpoena, 9 the witness being duly sworn by JOMANNA DEROSA, a 10 Notary Public in and for New York, taken at the 11 offices of Jones Day, 222 East 41st Street, New 12 York, New York, at 8:38 a.m. on Friday, May 4, 13 2007, and the proceedings being taken down by 14 Stenotype by JOMANNA DEROSA, and transcribed under 15 her direction. 16 17 18 19 20 21 22</p>

2 (Pages 2 to 5)

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

Page 6

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3 (Pages 6 to 9)

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

	Page 10		Page 12
1	APPEARANCES (Continued):	1	APPEARANCES (Continued):
2		2	
3	On Behalf of the MDL Plaintiffs:	3	On Behalf of Dey, Inc.; Dey, L.P.;
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1	APPEARANCES (Continued):	1	APPEARANCES (Continued):
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5	LOUIS P. GABEL, ESQ.	5	Schering Corporation, and Warrick
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4 (Pages 10 to 13)

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

	Page 14		Page 16
1	APPEARANCES (Continued)	1	APPEARANCES (Continued):
2		2	
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	Page 15		Page 17
1	APPEARANCES (Continued)	1	APPEARANCES (Continued):
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5 (Pages 14 to 17)

Vladeck, Ph.D., Bruce C.

May 4, 2007

New York, NY

	Page 18		Page 20
1	APPEARANCES (Continued):		EXHIBITS (CONTINUED)
2		ABBOTT EXHIBIT NO.	PAGE
3	MICHAEL J. LORUSSO, ESQ.	Abbott Exhibit 158-Memo dated 8/4/97 from J.	
4	The Haviland Law Firm, LLC	Gibbs Brown to B. Vladeck,	
5	740 S. Third Street	with Attachment..... 213	
6	Third Floor		
7	Philadelphia, Pennsylvania 19147	Abbott Exhibit 159-Memo dated 8/13/96 from J.	
8	lorusso@havilandlaw.com	Gibbs Brown to B. Vladeck.... 226	
9	(215) 609-4661	Abbott Exhibit 160-Two Binders, Ven-a-Care File	
10		R2039406 - R2040545..... 263	
11	Also Present:	Abbott Exhibit 161-Fax dated 12/3/96 from Z.	
12	MICHAEL HUNTERTON, Videographer	Bentley to T. Hoyer, With	
13		Attachment..... 263	
14		Abbott Exhibit 162-Fax dated 8/13/97 from	
15		Z. Bentley to B. Vladeck,	
16		With Attachment..... 263	
17		Abbott Exhibit 163-Fax dated 7/10/97 from Z.	
18		Bentley, et al., to B. Vladeck 263	
19		Abbott Exhibit 164-Letter date-stamped 12/17/96	
20		from K. Buto to M. Jones..... 267	
21		Abbott Exhibit 165-Article from Wall Street	
22		Journal..... 282	
1	C O N T E N T S	Page 19	Page 21
2	THE WITNESS: BRUCE C. VLADECK, Ph.D.	PAGE	THE VIDEOGRAPHER: Good morning. This
3	Examination By Mr. Cook..... 034		is the videotaped deposition of Dr. Bruce
4			Vladeck, taken by the defendant party in the
5			matter of In re Pharmaceutical Average Wholesale
6	E X H I B I T S		Price Litigation, MDL No. 1456, Civil Action No.
7	ABBOTT EXHIBIT NO.	PAGE	01-CV-12257-PBS, before the United States
8	Abbott Exhibit 151-Cross-Notices..... 255		District Court for the District of Massachusetts.
9	Abbott Exhibit 152-Curriculum Vitae of B. Vladeck	070	The date is May 4th, 2007, and this
10	Abbott Exhibit 153-42 Code of Federal Regulations		deposition is being held at Jones Day Reavis &
11	Section 405.517..... 108		10 Pogue, 222 East 41st Street, New York, New York.
12	Abbott Exhibit 154-Article..... 122		The time on the monitor is 8:38 a.m.
13	Abbott Exhibit 155-Excerpt from the published		My name is Michael Hunterton, and I am
14	record of hearings before		the certified videographer associated with the
15	the Committee on Finance,		firm of Henderson Legal Services, at 1015 15th
16	2/13/97; 2/27/97; 3/4/97;		Street, Northwest, in Washington, D.C.
17	and 3/5/97..... 131		The court reporter today is Jo DeRosa,
18	Abbott Exhibit 156-Weekly Radio address to		associated with the same firm.
19	Nation by President Clinton		Will counsel at the table please
20	on 12/13/97..... 134		introduce themselves for the record, starting
21	Abbott Exhibit 157-Summary of Expected Testimony		with the taking party, please.
22	of B. Vladeck..... 213		MR. COOK: Christopher Cook and Lou
			Gabel of Jones Day, representing Abbott

6 (Pages 18 to 21)

EXHIBIT I



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc.,</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF MARIANNE BOWEN

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Marianne Bowen. Ms. Bowen has been designated by the United States to testify regarding the identity and location of all electronic documents referenced in Abbott's January 30, 2007 Amended Notice of Deposition and all actions and efforts taken to retain and/or destroy such documents.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Hogan & Hartson LLP, 111 South Calvert St., Baltimore, MD, on June 5, 2007 beginning at 9:30 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: May 18, 2007

/s/ R. Christopher Cook

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
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Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, R. Christopher Cook, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF MARIANNE BOWEN to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 18th day of May, 2007.

/s/ R. Christopher Cook
R. Christopher Cook

EXHIBIT I-1

Bowen, Marianne

Baltimore, MD

June 5, 2007

Page 1

1 UNITED STATES DISTRICT COURT
2 FOR THE DISTRICT OF MASSACHUSETTS
3 - - - - -
4 IN RE: PHARMACEUTICAL : MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE : CIVIL ACTION:
6 PRICE LITIGATION : 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO :
8 U.S. ex rel. Ven-a-Care of : Judge Patti B. Saris
9 the Florida Keys, Inc. v. :
10 Abbott Laboratories, Inc., : Chief Magistrate
11 No. 06-CV-11337-PBS : Judge Marianne B.
12 - - - - -x Bowler
13 IN THE CIRCUIT COURT OF
14 MONTGOMERY COUNTY, ALABAMA
15 - - - - -x
16 STATE OF ALABAMA, :
17 Plaintiff, :
18 vs. : Case No.: CV-05-219
19 ABBOTT LABORATORIES, INC., : Judge Charles Price
20 et al., :
21 Defendants.:
22 - - - - -x

Bowen, Marianne

June 5, 2007

Baltimore, MD

Page 2

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3
 4 THE STATE OF FLORIDA
 5 ex rel.
 6 ----- x
 7 VEN-A-CARE OF THE FLORIDA :
 8 KEYS, INC., a Florida :
 9 Corporation, by and through its :
 10 principal officers and directors, :
 11 ZACHARY T. BENTLEY and :
 12 T. MARK JONES, :
 13 Plaintiffs, :
 14 vs. : Civil Action
 15 MYLAN LABORATORIES INC.; MYLAN : No.: 98-3032G
 16 PHARMACEUTICALS INC.; NOVOPHARM : Judge: William
 17 LTD., SCHEIN PHARMACEUTICAL, INC.; L. Gary
 18 TEVA PHARMACEUTICAL INDUSTRIES :
 19 LTD., TEVA PHARMACEUTICAL USA; :
 20 and WATSON PHARMACEUTICALS, INC., :
 21 Defendants, :
 22 ----- x

Page 4

1 Videotaped Deposition of MARIANNE BOWEN,
 2 a witness herein, called for examination by counsel
 3 for Abbott Laboratories in the above-entitled
 4 matter, pursuant to notice, the witness being duly
 5 sworn by Robert M. Jakupciak, a Notary Public in and
 6 for the District of Columbia, taken at the offices
 7 of Hogan & Hartson, 111 S. Calvert Street,
 8 Baltimore, Maryland, 21201, at 9:30 a.m., on June 5,
 9 2007, and the proceedings being taken down by
 10 Stenotype by Robert M. Jakupciak, RPR.

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12

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14

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20

21

22

Page 3

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3 ----- x
 4 STATE OF MISSOURI, ex rel., :
 5 JEREMIAH W. (JAY) NIXON, :
 6 Attorney General, :
 7 and :
 8 MISSOURI DEPARTMENT OF SOCIAL :
 9 SERVICES, DIVISION OF MEDICAL : Case No.:
 10 SERVICES, : 054-1216
 11 Plaintiffs, : Division No. 31
 12 vs. :
 13 DEY INC., DEY, L.P., MERCK KGaA, :
 14 EMD, INC., WARRICK :
 15 PHARMACEUTICALS CORPORATION, :
 16 SCHERING-PLOUGH CORPORATION, and :
 17 SCHERING CORPORATION, :
 18 Defendants, :
 19 ----- x
 20
 21
 22

Page 5

1 APPEARANCES:
 2
 3 On behalf of the United States of America:
 4
 5 ANA MARIA MARTINEZ, ESQUIRE
 6 U.S. Department of Justice
 7 99 N.E. 4th Street
 8 Miami, Florida 33132
 9 (305) 961-9431
 10
 11 On behalf of the Centers for Medicare and
 12 Medicaid Services:
 13
 14 LESLIE M. STAFFORD, ESQUIRE
 15 Centers for Medicare and
 16 Medicaid Services
 17 7500 Security Blvd.
 18 Baltimore, Maryland 21244
 19 (410) 786-9655
 20
 21
 22 (CONTINUED)

2 (Pages 2 to 5)

Bowen, Marianne

Baltimore, MD

June 5, 2007

Page 6

Page 8

1 APPEARANCES: (CONTINUED)

2

3 On behalf of Abbott Laboratories:

4

5 HILARY A. RAMSEY, ESQUIRE
 6 R. CHRISTOPHER COOK, ESQUIRE
 7 Jones Day
 8 51 Louisiana Avenue, N.W.
 9 Washington, D.C. 20001
 10 (202) 879-3939

11 (The following attorneys present by phone.)

12 On behalf of Dey Companies and Mylan:

13

14 MARISA A. SZELAG, ESQUIRE
 15 Kelley Drye & Warren LLP
 16 101 Park Avenue
 17 New York, New York 10178
 18 (212) 808-7697

19 (CONTINUED)

1 APPEARANCES: (CONTINUED)

2

3 On behalf of Baxter Healthcare Corporation:

4

5 TINA DUCHARME REYNOLDS, ESQUIRE
 6 Dickstein Shapiro LLP
 7 1825 Eye Street, N.W.
 8 Washington, D.C. 20006
 9 (202) 420-4114

10 On behalf of KMS New York Counties:

11

12 MICHAEL WINGET-HERNANDEZ, ESQUIRE
 13 Winget-Hernandez, LLC
 14 3112 Windsor Road, #228
 15 Austin, Texas 78703

16

17 Also Present
 18 Videographer: Rick Sanborn

1 C O N T E N T S

2

3 THE WITNESS: MARIANNE BOWEN PAGE

4 Examination By Ms. Ramsey..... 011
 5 Examination By Ms. Szelag..... 280

6

7

8 E X H I B I T S

9 NUMBER DESCRIPTION PAGE

10 Exhibit Abbott 222-Amended Notice of
 11 Deposition..... 022

12 Exhibit Abbott 223-Notice of Deposition of
 13 Marianne Bowen..... 022

14 Exhibit Abbott 224-Chart..... 200

15

16

17

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19

20

21

22

Page 7

Page 9

1 Whereupon,
 2 VIDEOGRAPHER: This begins videotape
 3 number one in the deposition of Marianne Bowen in
 4 Re: Pharmaceutical Industry Average Wholesale
 5 Price Litigation; MDL Number 1456; Civil Action
 6 Number 01-CV-12257-PBS, filed in the United
 7 States District Court for the District of
 8 Massachusetts.

9 Today's date is June 5th, 2007. The
 10 time is 9:42 a.m. This deposition is being held
 11 at the offices of Hogan & Hartson, 111 South
 12 Calvert Street, Baltimore, Maryland. The court
 13 reporter today is Robert Jakupciak. The video
 14 camera operator is Rick Sanborn. Both are on
 15 behalf of Henderson Legal Services.

16 Will counsel please introduce
 17 themselves and state who they represent.

18 MS. RAMSEY: Hilary Ramsey, I'm from
 19 the law firm of Jones Day and we represent Abbott
 20 Laboratories in this matter.

21 MR. COOK: Christopher Cook, from Jones
 22 Day.

3 (Pages 6 to 9)

EXHIBIT J



**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY)	
AVERAGE WHOLESALE PRICE	)	MDL No. 1456
LITIGATION)	
	)	Civil Action No. 01-12257-PBS
THIS DOCUMENT RELATES TO:	)	Judge Patti B. Saris
ALL ACTIONS ¹	)	Magistrate Judge Marianne B. Bowler
)	

CROSS-NOTICE OF DEPOSITION OF KATHLEEN BUTO

PLEASE TAKE NOTICE that, pursuant to Rule 30 of the Federal Rules of Civil Procedure, Schering Corporation ("Schering"), Schering Plough Corporation ("Schering Plough"), and Warrick Pharmaceuticals Corporation ("Warrick")² hereby cross-notice the deposition of Kathleen Buto for purposes of all cases pending in MDL No. 1456.

On September 4, 2007, attorneys for Abbott Laboratories, Inc. noticed the deposition of Ms. Buto for purposes of *U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc.*, No. 06-CV-11337-PBS, a matter that is currently a part of MDL No. 1456. This notice is attached hereto. Through this cross-notice, counsel are hereby informed that the deposition of Ms. Buto will also be proceeding for purposes of all other cases pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

¹ As explained herein, this cross-notice regards all actions pending in MDL No. 1456, to the extent permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

² This cross-notice, which is being served for purposes of a number of actions pending in MDL No. 1456, is only served in a particular action on behalf of those entities that have appeared, been named, and been served in that particular action. To the extent that Schering, Schering Plough, or Warrick have not appeared, been served, or been named in a particular action, this notice does not constitute an appearance, consent to service, or consent to joinder

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave. N.W., Washington, D.C. on September 12 and 13, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for the deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure, Court order, and any other applicable rules.

By attorneys,

/s/ Jobe G. Danganan

John T. Montgomery (BBO#352220)

Steven A. Kaufman (BBO#262230)

Daniel J. Bennett (BBO#663324)

Jobe G. Danganan (BBO#660446)

Ropes & Gray LLP

One International Place

Boston, Massachusetts 02110-2624

(617) 951-7000

*Attorneys for Schering Corporation, Schering-
Plough Corporation, and Warrick
Pharmaceuticals Corporation*

Dated: September 10, 2007

by Schering, Schering Plough, or Warrick, respectively, in that action. Schering, Schering Plough, and Warrick also do not waive any objection regarding jurisdiction or other defenses, where applicable.

CERTIFICATE OF SERVICE

I hereby certify that on September 10, 2007, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Jobe G. Danganan

Jobe G. Danganan

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Chief Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF KATHLEEN BUTO

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(1) of the Federal Rules of Civil Procedure, Abbott Laboratories, Inc. ("Abbott") by its undersigned attorneys, will take the deposition of Kathleen Buto.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at Jones Day, 51 Louisiana Ave. N.W., Washington, D.C. on September 12 and 13, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. The attached subpoena *duces tecum* directs the witness to appear for deposition and produce certain documents. The deposition will be taken upon cross-examination.

Such deposition will be recorded by stenographic and/or sound and visual means. The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: September 4, 2007

/s/ David S. Torborg

James R. Daly
Tina M. Tabacchi
Brian J. Murray
JONES DAY
77 West Wacker Drive, Suite 3500
Chicago, Illinois 60601
Telephone: (312) 782-3939
Facsimile: (312) 782-8585

R. Christopher Cook
David S. Torborg
JONES DAY
51 Louisiana Avenue, N.W.
Washington, D.C. 20001-2113
Telephone: (202) 879-3939
Facsimile: (202) 626-1700

Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF KATHLEEN BUTO to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 4th day of September, 2007.

/s/ David S. Torborg
David S. Torborg

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

IN RE: PHARMACEUTICAL INDUSTRY AVERAGE WHOLESALE PRICE LITIGATION THIS DOCUMENT RELATES TO <i>U.S. ex rel. Ven-A-Care of the Florida Keys, Inc. v. Abbott Laboratories, Inc., et al.</i>	Pending in: UNITED STATES DISTRICT COURT FOR THE DISTRICT OF MASSACHUSETTS MDL NO. 1456 Civil Action No. 06-CV-11337-PBS Lead Case No. 01-CV-12257-PBS Judge Patti B. Saris Chief Magistrate Judge Marianne B. Bowler
---	--

SUBPOENA DUCES TECUM

TO: Kathleen Buto
Care of:
Erik Haas, Esq.
Patterson Belknap Webb & Tyler LLP
1133 Avenue of the Americas
New York, New York 10036

YOU ARE COMMANDED to appear in the United States District Court at the place, date, and time specified below to testify in the above case.

PLACE OF TESTIMONY	COURTROOM
<input checked="" type="checkbox"/> YOU ARE COMMANDED to appear at the place, date, and time specified below to testify at the taking of a deposition in the above case.	DATE AND TIME
PLACE OF DEPOSITION	DATE AND TIME
Jones Day 51 Louisiana Ave. N.W. Washington, D.C. 20001	September 12 and 13, 2007 at 9:00 AM

YOU ARE COMMANDED to produce and permit inspection and copying of the following documents or objects at the place, date, and time specified below (list documents or objects):

Please see attached Exhibit A

PLACE	DATE AND TIME

YOU ARE COMMANDED to permit inspection of the following premises at the date and time specified below.

PREMISES	DATE AND TIME
Any organization not a party to this suit that is subpoenaed for the taking of a deposition shall designate one or more officers, directors, or managing agents, or other persons who consent to testify on its behalf, and may set forth, for each person designated, the matters on which the person will testify. Federal Rules of Civil Procedure, 30(b)(6).	DATE September 4, 2007

ISSUING OFFICER'S NAME, ADDRESS AND PHONE NUMBER: David S. Torborg, Esq., Jones Day, 51 Louisiana Ave., N.W., Washington, D.C. 20001, (202) 879-3939

(See Rule 45, Federal Rules of Civil Procedure, Parts C & D on Reverse)

(C) PROTECTION OF PERSONS SUBJECT TO SUBPOENAS.

(1) A party or an attorney responsible for the issuance and service of a subpoena shall take reasonable steps to avoid imposing undue burden or expense on a person subject to that subpoena. The court on behalf of which the subpoena was issued shall enforce this duty and impose upon the party or attorney in breach of this duty an appropriate sanction which may include, but is not limited to, lost earnings and reasonable attorney's fee.

(2) (A) A person commanded to produce and permit inspection and copying of designated books, papers, documents or tangible things, or inspection of premises need not appear in person at the place of production or inspection unless commanded to appear for deposition, hearing or trial.

(B) Subject to paragraph (d) (2) of this rule, a person commanded to produce and permit inspection and copying may within 14 days after service of subpoena or before the time specified for compliance if such time is less than 14 days after service, serve objection to inspection or copying of any or all of the designated materials or of the premises. If objection is made, the party serving the subpoena shall not be entitled to inspect and copy materials or inspect the premises except pursuant to an order of the court by which the subpoena was issued. If objection has been made, the party serving the subpoena may, upon notice to the person commanded to produce, move at any time for an order to compel the production. Such an order to compel production shall protect any person who is not a party or an officer of a party from significant expense resulting from the inspection and copying commanded.

(3) (A) On timely motion, the court by which a subpoena was issued shall quash or modify the subpoena if it
(i) fails to allow reasonable time for compliance;
(ii) requires a person who is not a party or an officer of a party to travel to a place more than 100 miles from the place where that person resides, is employed or regularly transacts business in person, except that, subject to the provisions of clause (c) (3) (B) (iii) of this rule, such a person may in order to attend trial be commanded to travel from any such place within the state in which the trial is held, or
(iii) requires disclosure of privileged or other protected matter and no exception or waiver applies, or
(iv) subjects a person to undue burden.

(B) If a subpoena

(i) requires disclosure of a trade secret or other confidential research, development, or commercial information, or
(ii) requires disclosure of an unretained expert's opinion or information not describing specific events or occurrences in dispute and resulting from the expert's study made not at the request of any party, or
(iii) requires a person who is not a party or an officer of a party to incur substantial expense to travel more than 100 miles to attend trial, the court may, to protect a person subject to or affected by the subpoena, quash or modify the subpoena, or, if the party in whose behalf the subpoena is issued shows a substantial need for the testimony or material that cannot be otherwise met without undue hardship and assures that the person to whom the subpoena is addressed will be reasonably compensated, the court may order appearance or production only upon specified conditions.

(d) DUTIES IN RESPONDING TO SUBPOENA.

(1) A person responding to a subpoena to produce documents shall produce them as they are kept in the usual course of business or shall organize and label them to correspond with the categories in the demand.

(2) When information subject to a subpoena is withheld on a claim that it is privileged or subject to protection as trial preparation materials, the claim shall be made expressly and shall be supported by a description of the nature of the documents, communications, or things not produced that is sufficient to enable the demanding party to contest the claim.

EXHIBIT A

Documents Requested

1. A copy of your most current resume.
2. A copy of any and all Documents in your personal possession relating in any way to the pricing of drugs and/or the administration or dispensing of drugs under Medicare or Medicaid.
3. A copy of any and all Documents in your personal possession concerning the use of AWP or WAC by the Medicare or Medicaid programs for the reimbursement of drugs and/or the administration or dispensing of drugs.
4. A copy of any and all Documents in your personal possession concerning communications with Ven-A-Care of the Florida Keys, Inc., Centers for Medicare and Medicaid Services ("CMS") (including the office of the General Counsel), and/or any party which is a plaintiff in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.
5. A copy of any and all Documents in your personal possession concerning communications with the Department of Justice ("DOJ") or CMS regarding limitations on communications with any party which is a defendant in any litigation relating to AWP, WAC, and/or the pricing of drugs under Medicare or Medicaid.

Definitions

1. "AWP" or "Average Wholesale Price" means any figures so categorized and periodically published by any Publisher.
2. "Concern," "concerning," "relating to," or "relate to" means refer to, regard, concern, describe, explain, state, evidence, record, constitute, pertain to, reflect, comprise, contain, embody, mention, show, support, contradict, and discuss, whether directly or indirectly, as required by the context to bring within the scope of the requests in this request for production of documents any documents that might be deemed outside their scope by another construction.
3. "Documents" means all original written, recorded, or graphic matters whatsoever, and any and all non-identical copies thereof, including but not limited to advertisements, affidavits, agreements, analyses, applications, appointment books, bills, binders, books, books of account, brochures, calendars, charts, checks or other records of payment, communications, computer printouts, computer stores data, conferences, or other meetings, contracts, correspondence, diaries, electronic mail, evaluations, facsimiles, files, filings, folders, forms, interviews, invoices, jottings, letters, lists, manuals, memoranda, microfilm or other data

compilations from which information can be derived, minutes, notations, notebooks, notes, opinions, pamphlets, papers, photocopies, photographs or other visual images, policies, recordings of telephone or other conversations, records, reports, resumes, schedules, scraps of paper, statements, studies, summaries, tangible things, tapes, telegraphs, telephone logs, telex messages, transcripts, website postings, and work papers, which are in the possession of the Carrier as defined above. A draft or non-identical copy is a separate document within the meaning of this term.

4. "WAC" means "Wholesale Acquisition Cost."

EXHIBIT J-1

Buto, Kathleen

Washington, DC

September 12, 2007

Page 1

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
6 PRICE LITIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U.S. ex rel. Ven-a-Care of) Judge Patti B.
9 the Florida Keys, Inc.) Saris
10 v.) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Marianne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -

14 (captions continue on following pages)

15

16

17 Videotaped deposition of Kathleen Buto

18 Volume I

19

20 Washington, D.C.

21 Wednesday, September 12, 2007

22 9:00 a.m.

Buto, Kathleen

September 12, 2007

Washington, DC

Page 2

1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 -----
 4 STATE OF ALABAMA,)
 5 Plaintiff,) Case No.
 6 vs.) CV-05-219
 7 ABBOTT LABORATORIES, INC.,) Judge Charles
 8 et al.,) Price
 9 Defendants.)
 10 -----
 11 -----
 12 STATE OF WISCONSIN CIRCUIT COURT
 13 DANE COUNTY
 14 -----
 15 STATE OF WISCONSIN,)
 16 Plaintiff,)
 17 vs.) CASE NO.
 18 AMGEN INC., et al.,) 04-CV-1709
 19 Defendants.)
 20 -----
 21 -----
 22

Page 4

1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----
 4 THE COMMONWEALTH OF MASSACHUSETTS,)
 5 Plaintiff,)
 6 vs.) Civil Action No.
 7 MYLAN LABORATORIES, INC., et al.) 03-CV-11865-PBS
 8 Defendants.)
 9 -----
 10 SUPERIOR COURT OF NEW JERSEY
 11 UNION COUNTY
 12 -----
 13 CLIFFSIDE NURSING HOME, INC., on)
 14 behalf of itself and all others)
 15 similarly situated, as defined)
 16 herein,) LAW DIVISION
 17 Plaintiffs,) DOCKET NO.
 18 vs.) UNN-L-2329-04
 19 DEY, INC., et al.,)
 20 Defendants.)
 21 -----
 22

Page 3

Page 5

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 WARRICK PHARMACEUTICALS) 2006-CP-40-4390
 11 CORPORATION, et al.,) 2006-CP-40-4399
 12 Defendants.)
 13 -----
 14 STATE OF SOUTH CAROLINA, and) STATE OF
 15 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 16 capacity as Attorney General for) COUNTY OF
 17 the State of South Carolina,) RICHLAND
 18 Plaintiffs,)
 19 vs.) Case No.
 20 ABBOTT LABORATORIES, INC.) 2006-CP-40-4394
 21 Defendant.)
 22 -----

2 (Pages 2 to 5)

Buto, Kathleen

September 12, 2007

Washington, DC

Page 6

1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 - - - - -
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 BARR PHARMACEUTICALS, INC.,) 2007-CP-40-0280
 11 Defendant.) 2007-CP-40-0286
 12 - - - - -
 13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT
 14 STATE OF HAWAII
 15 - - - - -
 16 STATE OF HAWAII,)
 17 Plaintiff,) Case No.
 18 vs.) 06-1-0720-04 EEH
 19 ABBOTT LABORATORIES, INC.,)
 20 et al.,) JUDGE EDEN
 21 Defendants.) ELIZABETH HIFO
 22 - - - - -

Page 8

1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS
 2 STATE OF MISSOURI
 3 - - - - -
 4 STATE OF MISSOURI, ex rel.,)
 5 JEREMIAH W. (JAY) NIXON, Attorney)
 6 General, and MISSOURI DEPARTMENT)
 7 OF SOCIAL SERVICES, DIVISION OF)
 8 MEDICAL SERVICES,)
 9 Plaintiffs,) Case No.
 10 vs.) 054-1216
 11 DEY INC., DEY, L.P., MERCK KGaA,) Division No. 31
 12 EMD, INC., WARRICK)
 13 PHARMACEUTICALS CORPORATION,)
 14 SCHERING-PLOUGH CORPORATION, and)
 15 SCHERING CORPORATION,)
 16 Defendants.)
 17 - - - - -
 18
 19
 20
 21
 22

Page 7

1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT
 2 IN AND FOR LEON COUNTY, FLORIDA
 3 THE STATE OF FLORIDA
 4 ex rel.
 5 - - - - -
 6 VEN-A-CARE OF THE FLORIDA KEYS,)
 7 INC., a Florida Corporation, by and)
 8 through its principal officers and)
 9 directors, ZACHARY T. BENTLEY and)
 10 T. MARK JONES,)
 11 Plaintiffs,) Civil Action No.
 12 vs.) 98-3032G
 13 MYLAN LABORATORIES INC.; MYLAN)
 14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William
 15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary
 16 TEVA PHARMACEUTICAL INDUSTRIES)
 17 LTD.; TEVA PHARMACEUTICAL USA; and)
 18 WATSON PHARMACEUTICALS, INC.,)
 19 DEFENDANTS.)
 20 - - - - -
 21
 22

Page 9

1 COMMONWEALTH OF KENTUCKY
 2 FRANKLIN CIRCUIT COURT - DIV. II
 3 - - - - -
 4 COMMONWEALTH OF KENTUCKY,)
 5 Plaintiff,) Civil Action No.
 6 vs.) 03-CI-1134
 7 ABBOTT LABORATORIES, INC., et al.,)
 8 Defendants.)
 9 - - - - -
 10
 11
 12 COMMONWEALTH OF KENTUCKY
 13 FRANKLIN CIRCUIT COURT - DIV. I
 14 - - - - -
 15 COMMONWEALTH OF KENTUCKY, ex rel.)
 16 GREGORY D. STUMBO, Attorney General)
 17 Plaintiff,) Civil Action No.
 18 vs.) 04-CI-1487
 19 ALPHAPHARMA, INC., et al.,)
 20 Defendants.)
 21 - - - - -
 22

3 (Pages 6 to 9)

Buto, Kathleen

Washington, DC

September 12, 2007

<p>1 Washington, D.C. 2 Wednesday, September 12, 2007 3 9:00 a.m.</p> <p>4</p> <p>5</p> <p>6 Videotaped deposition of KATHLEEN BUTO, 7 called for examination by counsel for Abbott 8 Laboratories in the above-entitled matter, pursuant 9 to subpoena, taken at the law offices of Jones Day, 10 51 Louisiana Avenue, N.W., Washington, D.C. 11 20001-2113, before Jonathan Wonnell, a Registered 12 Professional Court Reporter, the witness being duly 13 sworn by Rick Sanborn, a Notary Public of the 14 District of Columbia.</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p>	<p>Page 10</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of the State of California:</p> <p>4</p> <p>5 NICHOLAS N. PAUL, ESQ. (via phone) 6 Supervising Deputy Attorney General 7 Civil Prosecutions Unit 8 P.O. Box 85266 9 110 West A Street, #1100 10 San Diego, California 82186 11 (619)-688-6099 12 nicholas.paul@doj.ca.gov</p> <p>13</p> <p>14 On behalf of the State of Florida:</p> <p>15</p> <p>16 MARY S. MILLER, ESQ. (via phone) 17 Office of the Attorney General of 18 Florida 19 PL-01, The Capitol 20 Tallahassee, Florida 32399-1050 21 (850) 414-3600 22 mary_miller@oag.state.fl.us</p> <p>Page 11</p> <p>1 A P P E A R A N C E S O F C O U N S E L</p> <p>2</p> <p>3 On behalf of the United States of America:</p> <p>4</p> <p>5 JUSTIN DRAYCOTT, ESQ. 6 U.S. Department of Justice 7 Civil Division 8 P.O. Box 261, Ben Franklin Station 9 Washington, D.C. 20044 10 (202) 305-9300 11 justin.draycott@usdoj.gov</p> <p>12</p> <p>13 On behalf of the U.S. Department of Health 14 and Human Services:</p> <p>15</p> <p>16 BRIAN A. KELLEY, ESQ. 17 U.S. Department of Health & Human 18 Services 19 Office of General Counsel, CMS Division 20 330 Independence Avenue, S.W., Room 5345 21 Washington, D.C. 20201 22 (202) 205-8702</p> <p>Page 13</p> <p>1 A P P E A R A N C E S (Cont'd)</p> <p>2</p> <p>3 On behalf of New York City and all New York 4 Counties except Nassau and Orange:</p> <p>5</p> <p>6 AARON D. HOVAN, ESQ. 7 Kirby McInerney LLP 8 830 Third Avenue 9 New York, New York 10022 10 (212) 371-6600 11 ahovan@kmslaw.com</p> <p>12</p> <p>13 On behalf of the States of Wisconsin, Hawaii 14 and Kentucky:</p> <p>15</p> <p>16 BENJAMIN J. BLUSTEIN, ESQ. (via phone) 17 Miner, Barnhill & Galland 18 14 West Erie Street 19 Chicago, Illinois 60610 20 (312) 751-1170 21 bblustein@lawmbg.com</p> <p>22</p>
--	--

Buto, Kathleen

September 12, 2007

Washington, DC

	Page 14		Page 16
1	A P P E A R A N C E S (Cont'd)	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of Ven-A-Care of the Florida	3	On behalf of Bristol-Myers Squibb:
4	Keys, Inc.:	4	
5		5	DIANNE M. PETERSON, ESQ. (via phone)
6	JOSEPH C. WILSON, ESQ.	6	Hogan & Hartson
7	Cotchett, Pitre & McCarthy	7	875 Third Avenue
8	San Francisco Airport Office Center	8	New York, New York 10022
9	840 Malcolm Road	9	(212) 918-3507
10	Burlingame, California 94010	10	dmpeterson@hhlaw.com
11	(650) 697-0577	11	
12	jwilson@cpmlegal.com	12	On behalf of Dey, Inc., Dey, L.P. and Mylan:
13		13	
14	On behalf of Abbott Laboratories, Inc.:	14	NEIL MERKL, ESQ.
15		15	Kelley, Drye & Warren LLP
16	DAVID TORBORG, ESQ.	16	101 Park Avenue
17	Jones Day	17	New York, New York 10178
18	51 Louisiana Avenue, N.W.	18	(212) 808-7811
19	Washington, D.C. 20001-2113	19	nmerkl@kelleydrye.com
20	(202) 879-3939	20	
21	dstorborg@jonesday.com	21	
22		22	
1	A P P E A R A N C E S (Cont'd)	Page 15	Page 17
2		1	A P P E A R A N C E S (Cont'd)
3	On behalf of Sandoz, Inc.:	2	
4		3	On behalf of Roxane Laboratories and
5	DAVID L. KLEINMAN, ESQ. (via phone)	4	Boehringer Ingelheim:
6	White & Case LLP	5	
7	1155 Avenue of the Americas	6	ERIC GORTNER, ESQ.
8	New York, New York 10036-2787	7	Kirkland & Ellis
9	(212) 819-2567	8	200 East Randolph Drive
10	dkleinman@whitecase.com	9	Chicago, Illinois 60601
11		10	(312) 861-2285
12	On behalf of Johnson & Johnson:	11	egortner@kirkland.com
13		12	
14	ERIK HAAS, ESQ.	13	On behalf of Aventis Pharmaceuticals and
15	Patterson, Belknap, Webb & Tyler, LLP	14	Sanofi Synthelabo:
16	1133 Avenue of the Americas	15	
17	New York, New York 10036-6710	16	JENNIFER H. MCGEE, ESQ.
18	(212) 336-2222	17	Shook, Hardy & Bacon, LLP
19	ehaas@pbwt.com	18	600 Fourteenth Street, N.W.
20		19	Suite 800
21		20	Washington, D.C. 20005-2004
22		21	(202) 783-8400
		22	jmcgee@shb.com

5 (Pages 14 to 17)

Buto, Kathleen

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1 A P P E A R A N C E S (Cont'd)
 2 On behalf of Schering-Plough Corporation,
 3 Schering Corporation and Warrick
 4 Pharmaceuticals Corporation:

5 C. SCOTT JONES, ESQ. (via phone)
 6 Locke, Liddell & Sapp
 7 2200 Ross Avenue, Suite 2200
 8 Dallas, Texas 75201
 9 (214) 740-8725
 10 sjones@lockeliddell.com

11 On behalf of Baxter Health Care and Baxter
 12 International:

13 JARED D. RODRIGUES, ESQ. (via phone)
 14 EDEN M. HEARD, ESQ. (via phone)
 15 Dickstein Shapiro LLP
 16 1825 Eye Street, N.W.
 17 Washington, D.C. 20006
 18 (202) 420-2571
 19 hearde@dicksteinshapiro.com

Page 19

1 A P P E A R A N C E S (Cont'd)

2 ALSO PRESENT:

3 RICK SANBORN, Videographer & Notary
 4 Public
 5 EMILY WATSON, legal assistant

22

Page 20

1 I N D E X O F E X A M I N A T I O N S

2

3 WITNESS NAME:	PAGE
4 KATHLEEN A. BUTO	
5 By Mr. Torborg.....	028

6

7 I N D E X O F E X H I B I T S

8

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6 (Pages 18 to 21)

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Page 275

1 UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE) CIVIL ACTION
6 PRICE LITIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U.S. ex rel. Ven-a-Care of) Judge Patti B.
9 the Florida Keys, Inc.) Saris
10 v.) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Marianne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -

14 (captions continue on following pages)

15

16

17 Videotaped deposition of Kathleen Buto

18 Volume II

19

20 Washington, D.C.

21 Thursday, September 13, 2007

22

9:00 a.m.

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1 IN THE CIRCUIT COURT OF
 2 MONTGOMERY COUNTY, ALABAMA
 3 -----
 4 STATE OF ALABAMA,)
 5 Plaintiff,) Case No.
 6 vs.) CV-05-219
 7 ABBOTT LABORATORIES, INC.,) Judge Charles
 8 et al.,) Price
 9 Defendants.)
 10 -----
 11 STATE OF WISCONSIN CIRCUIT COURT
 12 DANE COUNTY
 13 -----
 14 STATE OF WISCONSIN,)
 15 Plaintiff,)
 16 vs.) CASE NO.
 17 AMGEN INC., et al.,) 04-CV-1709
 18 Defendants.)
 19 -----
 20 -----
 21 -----
 22 -----

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1 UNITED STATES DISTRICT COURT
 2 DISTRICT OF MASSACHUSETTS
 3 -----
 4 THE COMMONWEALTH OF MASSACHUSETTS,)
 5 Plaintiff,)
 6 vs.) Civil Action No.
 7 MYLAN LABORATORIES, INC., et al.) 03-CV-11865-PBS
 8 Defendants.)
 9 -----
 10 SUPERIOR COURT OF NEW JERSEY
 11 UNION COUNTY
 12 -----
 13 CLIFFSIDE NURSING HOME, INC., on)
 14 behalf of itself and all others)
 15 similarly situated, as defined)
 16 herein,) LAW DIVISION
 17 Plaintiffs,) DOCKET NO.
 18 vs.) UNN-L-2329-04
 19 DEY, INC., et al.,)
 20 Defendants.)
 21 -----
 22 -----

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1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 WARRICK PHARMACEUTICALS) 2006-CP-40-4390
 11 CORPORATION, et al.,) 2006-CP-40-4399
 12 Defendants.)
 13 -----
 14 STATE OF SOUTH CAROLINA, and) STATE OF
 15 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 16 capacity as Attorney General for) COUNTY OF
 17 the State of South Carolina,) RICHLAND
 18 Plaintiffs,)
 19 vs.) Case No.
 20 ABBOTT LABORATORIES, INC.) 2006-CP-40-4394
 21 Defendant.)
 22 -----

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1 IN THE COURT OF COMMON PLEAS
 2 FIFTH JUDICIAL CIRCUIT
 3 -----
 4 STATE OF SOUTH CAROLINA, and) STATE OF
 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 6 capacity as Attorney General for) COUNTY OF
 7 the State of South Carolina,) RICHLAND
 8 Plaintiffs,)
 9 vs.) Civil Action No.
 10 PAR PHARMACEUTICALS COMPANIES,) 2006-CP-40-7151
 11 INC.,) 2006-CP-40-7153
 12 Defendant.)
 13 -----
 14 STATE OF SOUTH CAROLINA, and) STATE OF
 15 HENRY D. McMASTER, in his official) SOUTH CAROLINA
 16 capacity as Attorney General for) COUNTY OF
 17 the State of South Carolina,) RICHLAND
 18 Plaintiffs,)
 19 vs.) Civil Action No.
 20 MYLAN LABORATORIES INC.) 2007-CP-40-0282
 21 Defendant.) 2007-CP-40-0283
 22 -----

2 (Pages 276 to 279)

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<p>1 IN THE COURT OF COMMON PLEAS 2 FIFTH JUDICIAL CIRCUIT 3 ----- 4 STATE OF SOUTH CAROLINA, and) STATE OF 5 HENRY D. McMASTER, in his official) SOUTH CAROLINA 6 capacity as Attorney General for) COUNTY OF 7 the State of South Carolina,) RICHLAND 8 Plaintiffs,) 9 vs.) Civil Action No. 10 BARR PHARMACEUTICALS, INC.,) 2007-CP-40-0280 11 Defendant.) 2007-CP-40-0286 12 ----- 13 IN THE CIRCUIT COURT OF THE FIRST CIRCUIT 14 STATE OF HAWAII 15 ----- 16 STATE OF HAWAII,) 17 Plaintiff,) Case No. 18 vs.) 06-1-0720-04 EEH 19 ABBOTT LABORATORIES, INC.,) 20 et al.,) JUDGE EDEN 21 Defendants.) ELIZABETH HIFO 22 -----</p>	<p>Page 280</p> <p>1 IN THE CIRCUIT COURT OF THE CITY OF ST. LOUIS 2 STATE OF MISSOURI 3 ----- 4 STATE OF MISSOURI, ex rel.,) 5 JEREMIAH W. (JAY) NIXON, Attorney) 6 General, and MISSOURI DEPARTMENT) 7 OF SOCIAL SERVICES, DIVISION OF) 8 MEDICAL SERVICES,) 9 Plaintiffs,) Case No. 10 vs.) 054-1216 11 DEY INC., DEY, L.P., MERCK KGaA,) Division No. 31 12 EMD, INC., WARRICK) 13 PHARMACEUTICALS CORPORATION,) 14 SCHERING-PLOUGH CORPORATION, and) 15 SCHERING CORPORATION,) 16 Defendants.) 17 ----- 18 19 20 21 22</p>
<p>1 IN THE COURT OF THE SECOND JUDICIAL CIRCUIT 2 IN AND FOR LEON COUNTY, FLORIDA 3 THE STATE OF FLORIDA 4 ex rel. 5 ----- 6 VEN-A-CARE OF THE FLORIDA KEYS,) 7 INC., a Florida Corporation, by and) 8 through its principal officers and) 9 directors, ZACHARY T. BENTLEY and) 10 T. MARK JONES,) 11 Plaintiffs,) Civil Action No. 12 vs.) 98-3032G 13 MYLAN LABORATORIES INC.; MYLAN) 14 PHARMACEUTICALS INC.; NOVOPHARM) Judge William 15 LTD., SCHEIN PHARMACEUTICAL, INC.;) L. Gary 16 TEVA PHARMACEUTICAL INDUSTRIES) 17 LTD.; TEVA PHARMACEUTICAL USA; and) 18 WATSON PHARMACEUTICALS, INC.,) 19 DEFENDANTS.) 20 ----- 21 22</p>	<p>Page 281</p> <p>1 COMMONWEALTH OF KENTUCKY 2 FRANKLIN CIRCUIT COURT - DIV. II 3 ----- 4 COMMONWEALTH OF KENTUCKY,) 5 Plaintiff,) Civil Action No. 6 vs.) 03-CI-1134 7 ABBOTT LABORATORIES, INC., et al.,) 8 Defendants.) 9 ----- 10 11 12 COMMONWEALTH OF KENTUCKY 13 FRANKLIN CIRCUIT COURT - DIV. I 14 ----- 15 COMMONWEALTH OF KENTUCKY, ex rel.) 16 GREGORY D. STUMBO, Attorney General) 17 Plaintiff,) Civil Action No. 18 vs.) 04-CI-1487 19 ALPHAPHARMA, INC., et al.,) 20 Defendants.) 21 ----- 22</p>

3 (Pages 280 to 283)

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1	Washington, D.C.	1	A P P E A R A N C E S (Cont'd)
2	Thursday, September 13, 2007	2	
3	9:00 a.m.	3	On behalf of the State of California:
4		4	
5		5	NICHOLAS N. PAUL, ESQ. (via phone)
6	Continued videotaped deposition of KATHLEEN	6	Supervising Deputy Attorney General
7	BUTO, called for examination by counsel for Abbott	7	Civil Prosecutions Unit
8	Laboratories in the above-entitled matter, pursuant	8	P.O. Box 85266
9	to subpoena, taken at the law offices of Jones Day,	9	110 West A Street, #1100
10	51 Louisiana Avenue, N.W., Washington, D.C.	10	San Diego, California 82186
11	20001-2113, before Jonathan Wonnell, a Registered	11	(619)-688-6099
12	Professional Court Reporter, the witness having been	12	nicholas.paul@doj.ca.gov
13	previously duly sworn by Rick Sanborn, a Notary	13	
14	Public of the District of Columbia.	14	On behalf of the State of Florida:
15		15	
16		16	MARY S. MILLER, ESQ. (via phone)
17		17	Office of the Attorney General of
18		18	Florida
19		19	PL-01, The Capitol
20		20	Tallahassee, Florida 32399-1050
21		21	(850) 414-3600
22		22	mary_miller@oag.state.fl.us
	Page 285		Page 287
1	A P P E A R A N C E S O F C O U N S E L	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of the United States of America:	3	On behalf of New York City and all New York
4		4	Counties except Nassau and Orange:
5	JUSTIN DRAYCOTT, ESQ.	5	
6	U.S. Department of Justice	6	AARON D. HOVAN, ESQ.
7	Civil Division	7	Kirby McInerney LLP
8	P.O. Box 261, Ben Franklin Station	8	830 Third Avenue
9	Washington, D.C. 20044	9	New York, New York 10022
10	(202) 305-9300	10	(212) 371-6600
11	justin.draycott@usdoj.gov	11	ahovan@kmslaw.com
12		12	
13	On behalf of the U.S. Department of Health	13	On behalf of the States of Wisconsin, Hawaii
14	and Human Services:	14	and Kentucky:
15		15	
16	BRIAN A. KELLEY, ESQ.	16	BENJAMIN J. BLUSTEIN, ESQ. (via phone)
17	U.S. Department of Health & Human	17	Miner, Barnhill & Galland
18	Services	18	14 West Erie Street
19	Office of General Counsel, CMS Division	19	Chicago, Illinois 60610
20	330 Independence Avenue, S.W., Room 5345	20	(312) 751-1170
21	Washington, D.C. 20201	21	bblustein@lawmbg.com
22	(202) 205-8702	22	

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	Page 288		Page 290
1	A P P E A R A N C E S (Cont'd)	1	A P P E A R A N C E S (Cont'd)
2		2	
3	On behalf of Ven-A-Care of the Florida	3	On behalf of Bristol-Myers Squibb:
4	Keys, Inc.:	4	
5		5	DIANNE M. PETERSON, ESQ. (via phone)
6	JOSEPH C. WILSON, ESQ.	6	Hogan & Hartson
7	Cotchett, Pitre & McCarthy	7	875 Third Avenue
8	San Francisco Airport Office Center	8	New York, New York 10022
9	840 Malcolm Road	9	(212) 918-3507
10	Burlingame, California 94010	10	dmpeterson@hhlaw.com
11	(650) 697-0577	11	
12	jwilson@cpmlegal.com	12	On behalf of Dey, Inc., Dey, L.P. and Mylan:
13		13	
14	On behalf of Abbott Laboratories, Inc.:	14	NEIL MERKL, ESQ.
15		15	Kelley, Drye & Warren LLP
16	DAVID TORBORG, ESQ.	16	101 Park Avenue
17	Jones Day	17	New York, New York 10178
18	51 Louisiana Avenue, N.W.	18	(212) 808-7811
19	Washington, D.C. 20001-2113	19	nmerkl@kelleydrye.com
20	(202) 879-3939	20	
21	dstorborg@jonesday.com	21	
22		22	
1	A P P E A R A N C E S (Cont'd)	Page 289	Page 291
2		1	A P P E A R A N C E S (Cont'd)
3	On behalf of Sandoz, Inc.:	2	
4		3	On behalf of Roxane Laboratories and
5	DAVID L. KLEINMAN, ESQ. (via phone)	4	Boehringer Ingelheim:
6	White & Case LLP	5	
7	1155 Avenue of the Americas	6	ERIC GORTNER, ESQ.
8	New York, New York 10036-2787	7	Kirkland & Ellis
9	(212) 819-2567	8	200 East Randolph Drive
10	dkleinman@whitecase.com	9	Chicago, Illinois 60601
11		10	(312) 861-2285
12	On behalf of Johnson & Johnson:	11	egortner@kirkland.com
13		12	
14	ERIK HAAS, ESQ.	13	On behalf of Aventis Pharmaceuticals and
15	Patterson, Belknap, Webb & Tyler, LLP	14	Sanofi Synthelabo:
16	1133 Avenue of the Americas	15	
17	New York, New York 10036-6710	16	JENNIFER H. MCGEE, ESQ.
18	(212) 336-2222	17	Shook, Hardy & Bacon, LLP
19	ehaas@pbwt.com	18	600 Fourteenth Street, N.W.
20		19	Suite 800
21		20	Washington, D.C. 20005-2004
22		21	(202) 783-8400
		22	jmcgee@shb.com

5 (Pages 288 to 291)

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Washington, DC

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1 A P P E A R A N C E S (Cont'd)
 2 On behalf of Schering-Plough Corporation,
 3 Schering Corporation and Warrick
 4 Pharmaceuticals Corporation:

5
 6 C. SCOTT JONES, ESQ. (via phone)
 7 Locke, Liddell & Sapp
 8 2200 Ross Avenue, Suite 2200
 9 Dallas, Texas 75201
 10 (214) 740-8725
 11 sjones@lockeliddell.com

12
 13 On behalf of Baxter Health Care and Baxter
 14 International:

15
 16 JARED D. RODRIGUES, ESQ. (via phone)
 17 EDEN M. HEARD, ESQ. (via phone)
 18 Dickstein Shapiro LLP
 19 1825 Eye Street, N.W.
 20 Washington, D.C. 20006
 21 (202) 420-2571
 22 hearde@dicksteinshapiro.com

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1 A P P E A R A N C E S (Cont'd)

2 ALSO PRESENT:

3
 4 RICK SANBORN, Videographer & Notary
 5 Public

Page 294

1 I N D E X O F E X A M I N A T I O N S

2

3 WITNESS NAME: PAGE

4 KATHLEEN A. BUTO

5 By Mr. Torborg..... 295

6 By Mr. Merkl..... 364

7 By Mr. Gortner..... 408

8

9 I N D E X O F E X H I B I T S

10 NUMBER DESCRIPTION PAGE

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14 Exhibit Abbott 305, HHC902-0128 to 0131..... 333

15 Exhibit Abbott 306, HHC003-0477 to 0484..... 352

16 Exhibit Dey 100, HHD008-0503..... 376

17 Exhibit Dey 101, HHD048-0288 to 0289..... 383

18 Exhibit Roxane 004, HHC011-0897 to 0899..... 408

19 Exhibit Roxane 005, HHC011-2181 to 2183..... 408

20 Exhibit Roxane 006, HHC011-2187 to 2188..... 408

21 Exhibit Roxane 007, HHC016-0732 TO 0733..... 408

22 Exhibit Roxane 008, HHC016-0873..... 408

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1 P R O C E E D I N G S

2

3 THE VIDEOGRAPHER: This begins volume

4 2, tape 1 in the deposition of Kathleen Buto.

5 Today's date is September 13th 2007. The witness
 6 having been previously sworn, we go on the record
 7 at 9:16.

8

9 Whereupon,

10 KATHLEEN BUTO,

11 called as a Witness, having been previously duly
 12 sworn by Rick Sanborn, a Notary Public in and for
 13 the District of Columbia, and was further
 14 examined and testified as follows.

15

16 FURTHER EXAMINATION BY COUNSEL FOR
 17 ABBOTT LABORATORIES

18 BY MR. TORBORG:

19 Q. Good morning, Ms. Buto.

20 A. Good morning.

21 Q. I've asked you to take out what we've
 22 marked previously as Exhibit Abbott 295, which is

6 (Pages 292 to 295)

EXHIBIT K

30(b)(6) The United States (Bruce, Tamara)

9

10 On behalf of the United States:

11 LAURIE OBEREMBT, ESQ.

12 United States Department of Justice

13 Civil Division

14 P. O. Box 261

15 Ben Franklin Station

16 Washington, D.C. 20044

17 (202) 305-9300

18

19

20

21

22

00004

1 APPEARANCES CONTINUED:

2

3 On behalf of the Centers for Medicare & Medicaid
4 Services:

5 LESLIE STAFFORD, ESQ.

6 Centers for Medicare & Medicaid Services

7 7500 Security Boulevard

8 Mail Stop C2-05-23

9 Baltimore, MD 21244

10 (410) 786-9655

11

12

13

14

15

16

17

18

19

20

21

22

00005

C O N T E N T S

1 EXAMINATION BY

PAGE NO.

2 Mr. Julie

7

5 `Afternoon session - 111

6

E X H I B I T S

7 DEY EXHIBIT NUMBER PAGE NO.

8 Exhibit Dey 210 - Notice of 30(b)(6) deposition 6

9 Exhibit Dey 211 - Medicaid Drug Rebate Operational 6

10 Training Guide Issued

11 September 2001 -

12 DEY-B00006569-6822

13 Exhibit Dey 212 - Medicaid Drug Rebate Operational 37

14 Training Guide, September 2001

15 Exhibit Dey 213 - Medicaid Drug Rebate Dispute 37

16 Resolution Program (DRP)

17 Page 2

EXHIBIT L



**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

IN RE: PHARMACEUTICAL INDUSTRY	)	MDL NO. 1456
AVERAGE WHOLESALE PRICE)	
LITIGATION	)	CIVIL ACTION: 01-CV-12257-PBS
)	
	)	Judge Patti B. Saris
THIS DOCUMENT RELATES TO)	
<i>U.S. ex rel. Ven-A-Care of the Florida Keys,</i>	)	Magistrate Judge Marianne B. Bowler
<i>Inc. v. Abbott Laboratories, Inc., et al.</i>)	
No. 06-CV-11337-PBS)	

NOTICE OF DEPOSITION OF JOSEPH BRYANT

PLEASE TAKE NOTICE that, pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure, Abbott Laboratories, by its undersigned attorneys, will take the deposition of Joseph Bryant. Mr. Bryant has been designated by the United States to testify regarding the search for and production of documents in response to Defendant Abbott Laboratories, Inc.'s Requests for the Production of Documents and Tangible Things to Plaintiff United States of America.

The deposition will take place before a notary public, or any other officer authorized to administer oaths, at the office of Jones Day, 51 Louisiana Avenue, N.W., Washington, D.C., on November 15, 2007 beginning at 9:00 a.m. and continuing on successive days as necessary. Such deposition will be recorded by stenographic and/or sound and visual means.

The deposition is being taken for the purposes of discovery, for use at trial, and for such other purposes as permitted under the Federal Rules of Civil Procedure.

Dated: October 24, 2007

/s/ David S. Torborg

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Tina M. Tabacchi

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Counsel for Defendant Abbott Laboratories, Inc.

CERTIFICATE OF SERVICE

I, David S. Torborg, an attorney, hereby certify that I caused a true and correct copy of the foregoing NOTICE OF DEPOSITION OF JOSEPH BRYANT to be served upon all counsel of record electronically by causing same to be posted via LexisNexis, this 24th day of October, 2007.

/s/ David S. Torborg
David S. Torborg

EXHIBIT L-1

CMS 30(b)(6) - Joseph Bryant

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1 UNI TED STATES DI STRICT COURT
2 FOR THE DI STRICT OF MASSACHUSETTS

3 - - - - -

4 IN RE: PHARMACEUTICAL) MDL NO. 1456
5 INDUSTRY AVERAGE WHOLESALE } CIVIL ACTION
6 PRICE LITIGATION) 01-CV-12257-PBS
7 THIS DOCUMENT RELATES TO)
8 U. S. ex rel. Ven-a-Care of) Judge Patti B. Sarris
9 the Florida Keys, Inc.)
10 v.) Chief Magistrate
11 Abbott Laboratories, Inc.,) Judge Marianne B.
12 No. 06-CV-11337-PBS) Bowler
13 - - - - -

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15 Vi deotaped 30(b)(6) deposition of CMS (JOSEPH BRYANT)
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Washi ngton, D. C.
Thursday, November 15, 2007
9:00 a.m.

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1 Vi deotaped 30(b)(6) deposition of CMS (JOSEPH
2 BRYANT) at the law offices of Jones Day, 51 Louisi ana
3 Avenue, N. W., Washi ngton, D. C. 20001-2113, the
4 proceedings being recorded stenographically by
5 Jonathan Wonnell, a Registered Professional Court
6 Reporter and Notary Public of the District of
7 Columbia, and transcribed under his direction.
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1 A P P E A R A N C E S O F C O U N S E L
2

3 On behalf of the United States of America:

4 JUSTIN DRAYCOTT, ESQ.

5 CLAIRE NORSETTER, ESQ.

6 ANI MARTINEZ, ESQ.

7 U. S. Department of Justice

8 Civil Division

9 CMS 30(b)(6) - Joseph Bryant
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11 Washington, D.C. 20044
12 (202) 305-1088

13 On behalf of the U.S. Department of Health and
14 Human Services:

15 LESLIE M. STAFFORD, ESQ.
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18 Office of General Counsel, CMS Division
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22 (410) 786-9655

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13 ALSO PRESENT:

14 CONWAY BARKER, Videographer

15

16

17

18 CMS 30(b)(6) - Joseph Bryant
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 20
 21
 22
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